

2023

# RAJYA SABHA

Background Guide

INMUN

# Letter From The Director



Greetings Delegates,

With immense pleasure I would like to welcome you all to INMUN 2023 on behalf of all the EB members of the Rajya Sabha. As your Chairperson and Speaker, I am excited about the various political discussions which will happen in the committee and more importantly, the resolutions which will be brought out.

The Agenda of Rajya Sabha in INMUN 2023 is “Deliberation over the reservation system in India”

The reservation system in India is a significant and complex topic that has been a subject of deliberation and debate for many years. Focusing on this issue would offer delegates the opportunity to discuss and address the challenges and implications of the reservation system in the country.

Delegates in the committee will have the opportunity to represent different viewpoints, engage in constructive debates, and collaboratively work towards finding balanced solutions that uphold the principles of social justice and inclusive development.

As the Speaker/Chairperson of the Rajya Sabha Committee, I look forward to presiding over your committee sessions and witnessing the dynamic discussions that will unfold under your capable guidance. Your engagement and proactive approach during committee sessions will be instrumental in shaping the outcomes and resolutions that align with the interests of our esteemed committee.

Throughout the conference, it is my earnest hope that you will bring forward well-researched and well-articulated viewpoints, collaborate effectively with fellow delegates, and exhibit diplomacy and leadership in addressing the challenges before us.

We will be waiting for your arrival with earnest enthusiasm. I wish you all good luck and Godspeed.

Vivek.M.K.

Speaker

Rajya Sabha,

INMUN 2023

# Introduction



## Introduction to Reservation in Parliament:

The government of India has laws to give reserved seats in Educational Institutions, Government Jobs, and Legislative Bodies to those who have historically faced injustice or discrimination. It was set to allow an equal representation of the underprivileged communities and give them a voice to help improve their educational and social status which inadvertently would contribute to the development of the country.

The government currently reserves 15% for Scheduled Caste (SC), 7.5% for Scheduled Tribes (ST), 27% for Other Backward Classes (OBC), 10% Economically Weaker Sections (EWS), and 4% for Persons With Benchmark Disabilities.

Parliament currently has 63.5% of its seats reserved leaving only 36.5% of the seats left for people to get in based on their merits.

## History of Parliament:

Reservation in India dates back to 1902 where a prince of Kolhapur, Shahu Maharaja reserved seats for those who weren't brahmins in the educational system.

In 1932, under British Rule the Communal Award was declared allowing each religion and scheduled caste electorate to vote for their people into legislative bodies. This was opposed by Mahatma Gandhi as it was perceived as an attempt to further divide the country.

However, later Dr. B. R. Ambedkar and Mahatma Gandhi signed the Poona Pact in an attempt to help the lowly caste in India. This slowly led to reserved seats of ST's and SC's.

The Mandal commission started in 1979, and by 1990 had led to OBCs getting 27% reservation in parliament.



## Scheduled Tribes (ST's):

### Introduction:

The provision of reservation for ST's can be traced back to the days of independence for India, and was formally adopted into the constitution in 1951. The president, under article 342 has the authority to identify which tribes would benefit from the reservation provisions listed in the constitution. Through various amendments and other provisions throughout the years to improve representation of ST's in political bodies, educational jobs and government jobs.

The rights and representation of ST's has been overseen by the National Commission of Scheduled Tribes which was established in 2004. ST members do not have reservation in Rajya Sabha

Scheduled Tribes often have 7.5% representation in parliament but this may vary depending on socio-economic and demographic circumstances, and can be altered by the election committee and president. The addition of a section for ST's has allowed this minority to voice their concerns and opinions on laws, and bills being discussed in parliament and help raise the social and economic status of scheduled tribes.

These quotas are held in schools, colleges, universities as well as government jobs. It allows people from a minority to have their chance at getting the opportunity to have their representation in society as well have their chance at getting educated to move up in society.

### History:

People from Scheduled tribes are those indigenous people who have occupied land in India for over a millenia. They have lived in harmony with nature, and each tribe has their unique way of life, they have their own culture, language, clothing etc.

Once the Dravidian and Aryan culture started gaining prominence in India some tribes started adopting certain elements of their culture. Slowly the presence of a new culture led to civilization, while some were able to assimilate into society well, some other tribes that were in remote regions, struggled to do so.

This has resulted in discrimination centuries later where those tribes are now being denied amenities such as education, literacy, employment and infrastructure. They are still excluded from society and still treated as part of a lowly station.

The provision of reservation attempts to cut out the discrimination that is carried through from historic times.



Notable ST members:

**P.A. Sangma:**

Sangma was from the Tura constituency which is considered a Scheduled Tribe in India. He was the Chief Minister for Meghalaya from 1988 to 1990. He served multiple terms in Lok Sabha as a member from Tura. He was a co-founder for the political party National Congress Party and the founder for the National People's Party. His political career was so successful that he was in the running for president in 2012 and was endorsed by political parties BJP and AIADMK.

As a member of parliament for so long Sangma worked on multiple laws and helped improve the socio-economic conditions for his region.

**Jual Oram:**

Oram joined BJP in 1989 and was first elected into the Odisha Legislative Assembly. He served as the vice president of BJP's tribal wing for 2 years. He was also elected as the party president for his state on 2 separate occasions, once from 1997 - 1999 and 2004 - 2006. He was then later elected as the party's vice president throughout the nation from 2006 - 2009. He has been elected to Lok Sabha throughout different periods in history.

**Arjun Munda:**

Munda is the present Minister of Tribal Affairs. From a young age he was very passionate about inclusion of tribal people and was an active member of the Jharkhand Mukti Morcha. His passion drew a lot of attention from the Bihar Legislative Assembly and he was soon elected as an MP of the Assembly. Munda was the tribal welfare minister in Jharkhand's legislative assembly. He was part of many policies which attempted to alleviate the status of those that were poverty ridden. His stance on the topic of inclusion for everyone soon catapulted him to the Chief Minister of Jharkhand in 2003. After years of work he took the oath of Minister of Tribal affairs on 30th May 2019.



## Scheduled Castes (SC's):

### Introduction:

Scheduled Castes has been a part of the constitution from when it was issued in 1950, it included a provision for reservation in both Lok Sabha and Rajya Sabha. These laws were put in place to ensure equality in society and also ensure that those from the lower castes had an equal chance to voice their grievances and opinions on any bill being discussed in parliament.

As per article 341 the president has the authority to decide which communities and races come under SCs. The president has the power to add and remove communities from this list. These edits are made in consultation with the governor of the State in question and is notified to the public via a statement. After this statement is made it cannot be reversed until the next round of election for the particular legislative body.

Reservation for SCs hovers around 15% throughout all legislative bodies in India. Lok Sabha has 84 seats dedicated to members of SCs.

SC members do not have reservation in Rajya Sabha.

### History:

Those a part of Schedule Caste are those who historically did menial jobs that were undesirable and looked down upon. They were part of the 'Dalit' class who were also called the untouchables.

This dates back to the Caste system of India, which ensured that the birth of the person determined the Caste they belonged to. This made sure that anyone born as a 'Shudra' or 'Dalit' would never be able to change his identity and would be stuck with the title for the rest of his/her life.

These people have never truly lost their status in society and have been subject to social exclusion, very limited access to education, discrimination while applying for jobs and very little political representation.



Notable SC members:

**B. R. Ambedkar:**

Ambedkar worked on the constitution back in 1950. He was a part of the Dalit class during the rule of the British. However despite being part of the lower Caste he helped work on the Constitution and put into place the reservation quotas for SCs, STs and Other Backward Classes. He was part of the many that wished for equality in the society and was vehemently opposed to the Caste system already in place in India. He even published the book *Annihilation of Caste* on 15th May, 1936 which was written in Gujarati.

Ambedkar was responsible for signing an agreement during British rule which provided a reservation for the depressed class in elections for each region. He was the representative for all those belonging to the depressed class during those times.

**K.R. Narayanan:**

Narayanan was elected as the Vice President of India from 1992 - 1997 and then proceeded to be the President of India from 1997 - 2002. He was the first member from SC to do so.

Narayanan is experienced in external affairs, he was a part of Nehru's Indian Foreign Service. He was an ambassador in the UK, US, China, Thailand, Japan and Turkey. He was elected to Lok Sabha three times in a row, and also served as a Minister of State in Rajiv Gandhi's cabinet.

**Kumari Mayawati:**

She is the current president of Bahujan Samaj Party which helps bring up the social status of minorities including SCs, STs and other backward classes. While she is popular with those that belonged to the 'Dalit' group for representing their views in parliament she is criticised for her increased wealth as a sign of corruption. Mayawati is currently presiding in Rajya Sabha.



# Reserved Sections



## Other Backward Classes (OBC's):

### Introduction:

OBC is a broad term that considers any group of people that is disadvantaged in society, be it based on their social status or educational background. They are given around 27% reservation in legislative bodies to help combat this disadvantage. This excluded the people that are better off within the OBC. These members of OBCs constitute the “Creamy Layer” While OBC reservation aims to help people in similar situations as people from SC's and ST's, OBC is different from ST and SC.

There are two prominent articles in the Indian constitution that give guidelines about OBCs

- Article 15(4) - It allows the government to make special provision for OBCs to allow for their advancement educationally and socially. It allows the State to help create equal opportunities for everyone.
- Article 16(4) - It is similar to Article 15(4) but more specific to create reservation in public employment.

### Mandal Commission:

The Mandal Commission started because of the Chairman B.P. Mandal which formed in 1979. It submitted its first report in 1980 regarding the socially, economically, and educationally backward sections of society. The purpose of this commission is to help understand the reason for why Backward Classes are in the situation they are. The report divided people into Socially Active Castes (SCA's), OBC's, and SC's and ST's. They were the ones to recommend that OBC's get reservation in educational sectors as well as government jobs. However, it was only in 1990 that the government decided to provide reservation in these areas. The Mandal Commission was renamed to National Commission of Backward Classes (NCBC) in 2018. It still carries out the job of the Mandal Commission, but has been legalised by the constitution as per the 102 amendment act.

### Riots against Mandal Commission:

This commission had massive opposition when the reservation was allocated in 1990. The main issue the protestors had was that those who worked hard and were more qualified would lose their place in good quality educational institutions and good employment opportunities. The protests, which mainly consisted of school going youths, became extremely violent where they resorted to arson, vandalism, and clashes with law enforcement officers. Due to the demographic of the protestors many schools and universities were the sight of protests. During the protests protesters were able to rally a few political forces to side with them, which resulted in a polarisation throughout the region which had a direct impact on the subsequent elections and as well the political alignment of the parties. While the protests made no impact in the constitution, the government did try to compromise by creating the “Creamy Layer”, which says that anyone earning more than 8 lakhs annually would not be considered as part of OBC. Furthermore, while these riots started due to the legalisation for reservation of OBC, they speak to the faults of the reservation system and are not exclusive to OBC's, but to other reservation categories as well.





## Notable OBC Members:

### Mulayam Singh Yadav:

Mulayam was the former Minister of Defense in the Central Government, and also was the Chief Minister of Uttar Pradesh for 3 consecutive terms. He founded the Samajwadi Party, and in 1980 became the president of the Lok Dal.

In his long political career he was an MP representing multiple constituencies like Manipur, Azamgarh, Sambhal, and Kannauj in Lok Sabha.

Mulayam Singh Yadav was also the recipient for the Padma Vibhushan Award.

### Nitish Kumar:

He is the current chief minister of Bihar, and has held this position since 22 February 2015. He is the leader of Janata Dal. In 1986 he was a member in Lok Sabha and also served as an Union Minister when Atal Bihari Vajpayee was the Prime Minister of India.

Kumar has been a part of devising and implementing various welfare schemes in Bihar. He has also been responsible for the improvement of education and infrastructure in the state.

### M. Karunanidhi:

He was a prominent member of the DMK party and devoted his political career to helping the people of Tamil Nadu. He also helped improve social, educational and infrastructural status in the state during his terms as chief minister of Tamil Nadu.

He played a key role in implementing reservation for OBCs in Tamil Nadu to try and end the social injustice and centred his long political career around this ideal.

Apart from this philosophy he was a proud Tamilian and promoted the language and culture.



## Women Reservation:

### Introduction:

Gender equality has been a key part of society for decades and still is. Considering that India is a historically patriarchal society the role of women has been considered lowly in the past, and many low income families still believe that.

The Women's Reservation Bill has been drafted in accordance with the 103rd amendment of the constitution to help overcome the previous injustice and discrimination and help them voice their opinions in society and help improve their social status.

### History:

The Women's Reservation Bill was first introduced in parliament in 1996 however it has still not been passed due to various reasons that will be discussed later.

The bill proposes a 33% reservation for females in parliament. According to this bill each constituency will have a chance to have reservation for women in a cycle. This is known as the rotation system. Women that are a part of SC's, and ST's will not be eligible for separate women reservation, these women can only apply for reservation through quotas set through for SC's and ST's. The bill is set for a year of 15 years. This bill will be applicable for 15 years unless any future legislations decide to increase this length.

This bill has been brought up in parliament multiple times but has still not been enacted.

### Reasons for opposition for the bill:

Those against the bill suggest that those who are more qualified will lose the chance to represent their constituency in parliament, which is a recurring theme against reservation in all categories. Opposition also believe that women from more privileged backgrounds would have a huge advantage over those from a lower socio - economic background.

Women that are elected from the reservation quota may hold a lot of power as they can stay in a position for a long period of time as they were nominated and not elected. Women who gain seats would effectively be taking these seats from men who would then protest this and cause unrest in the society and the nation.

By adding more reservation it may result in administrative and logistical problems to ensure that all communities are represented equally.



## Reasons for Support of the bill:

As mentioned before, the bill attempts to overcome the challenge that there aren't enough women in politics and it takes into account that if laws are made by both men and women then society will also follow this example. It looks after the fact that women need a chance to voice their opinions on matters regarding them, like women's health, education and general well being. Having more diverse politicians also allows for more aspects to be covered during the drafting of a bill.

While women influence is rising slowly, the presence of more role models would stoke more participation in all fields by women, and allow a higher proportion of society to rise economically, socially and even educationally.

## Political alignments:

### For:

#### Bihar

They implemented a 50% reservation for women in their Panchayati Raj Institutions. This allows gram panchayats, panchayat samitis, and zila parishads to have 50% of their body composed of women.

#### Rajasthan

Rajasthan also has a similar reservation system of 50% in similar legislative bodies, however in Rajasthan, reservation can also apply for the position of chairperson.

### Against:

#### Uttar Pradesh

The state has not implemented any women reservation laws as political parties are afraid of the repercussions it would have on the existing political structure and other dynamic and logistical issues.

#### Tamil Nadu

There has been debate in this state, but no law has been implemented as politicians and their parties fear that marginalised women may not get fair representation in parliament and the women that are nominated might abuse their power if they come from money and cannot be removed from the body easily.

There are other states that have their own stances but these are some of the main states that have chosen for or against women reservation.

# Reservation in Jobs and Education



## Introduction:

Reservations in these sections are there for the same reason they are present in Parliament. To improve the socio - economic status of historically disadvantaged groups. Reservation in these sectors entails a set quota of seats in schools, universities, jobs, and promotions.

These provisions aimed to uplift the historically disadvantaged Dalits (formerly known as "untouchables") and tribal communities. Initially, the reservation percentage for SCs and STs was fixed at 12.5% each but has been subsequently increased. It is important to note that the reservation system has undergone several changes and expansions since its initial implementation, including the introduction of reservations for Other Backward Classes (OBCs) and economically weaker sections (EWS) of the general category in later years.

To protect and extend the reservation system, various constitutional amendments were made. The 76th Amendment Act (1994) introduced Article 16(4B), allowing reservations in promotions for SCs and STs. The 93rd Amendment Act (2005) introduced Article 15(5), enabling the government to provide reservations in private unaided educational institutions.

**Economically Weaker Sections (EWS):** In 2019, the Government of India introduced reservations for economically weaker sections of the general category. The 103rd Constitutional Amendment Act introduced Article 15(6) and 16(6), providing 10% reservation in jobs and educational institutions for EWS candidates whose family income falls below a certain threshold.

## The reservation:

It's important to note that the specific reservation percentages for different categories can vary by state and central government policies, and the inclusion of various communities in the reservation system has been subject to ongoing changes and discussions based on social and political considerations.

Reservations in India differ for jobs and education in terms of implementation and extent. Here are some key differences:

# Reservation in Jobs and Education



## Categories Eligible:

In job reservations, the categories eligible for reservation include Scheduled Castes (SCs), Scheduled Tribes (STs), Other Backward Classes (OBCs), and sometimes economically weaker sections (EWS) of the general category. However, in education reservations, SCs, STs, OBCs, and EWS are eligible, along with additional categories like Persons with Disabilities (PwD) and sometimes specific religious or linguistic minority groups.

## Reservation Percentage:

The reservation percentages can vary between jobs and education. The Constitution of India provides a reservation percentage of 15% for SCs, 7.5% for STs, and 27% for OBCs in central government jobs. However, the percentages can differ in different states, where additional reservation policies are implemented. In education, the reservation percentages can also vary between states, universities, and educational institutions. For example, universities may have their own reservation policies, including different percentages for different categories.

## Reservation Criteria:

In job reservations, the reservation is typically based on the total number of available positions or vacancies. The reserved seats or positions are then filled by eligible candidates from the respective reserved categories. In education reservations, the reservation is often based on the total number of seats available in educational institutions. For example, if a university has 100 seats, a certain percentage of seats will be reserved for different categories, and eligible candidates from those categories will be admitted based on merit within their respective categories.

## Reservation in Promotions:

One significant difference is the provision of reservation in promotions. In job reservations, reservations can extend to promotions, where eligible candidates from reserved categories are given preference in promotion opportunities. However, in education, reservations typically apply only during the admission process and not in subsequent promotions or career advancements.

It's also important to note that the specific details and implementation of reservations can vary across different states, institutions, and government policies. The behaviour of states in implementing reservations can vary based on their specific social, political, and demographic contexts. Here are two examples that highlight the differences in reservation policies among states in India:

# Reservation in Jobs and Education



## Tamil Nadu:

Tamil Nadu has a long-standing history of implementing reservations and has been particularly proactive in this regard. The state has one of the highest reservation percentages in the country. Tamil Nadu implemented the reservation system early on and has extended it beyond the constitutionally mandated percentages. For instance: Reservation for Scheduled Castes: Tamil Nadu provides a reservation of 18% for Scheduled Castes, higher than the 15% mandated by the Constitution.

Reservation for Backward Classes: The state has implemented a separate quota of 20% for Backward Classes, which is in addition to the reservation for Scheduled Castes and Scheduled Tribes.

Reservation for Most Backward Classes: Tamil Nadu has also introduced a separate quota of 26.5% for Most Backward Classes (MBCs), aiming to address the socio-economic backwardness of specific communities within the OBC category.

## Gujarat:

Gujarat, on the other hand, has historically followed a different approach to reservations compared to Tamil Nadu. Gujarat has generally had a lower reservation percentage and has focused on providing reservations to specific communities rather than expanding the reservation scope. For example:

Reservation for Scheduled Castes and Scheduled Tribes: Gujarat has implemented the constitutional reservation percentage of 7.5% for Scheduled Castes and 15% for Scheduled Tribes.

Limited Reservation for Socially and Educationally Backward Classes: Gujarat provides a reservation of 27% for Socially and Educationally Backward Classes (SEBCs), which includes non-reserved communities that are considered socially and educationally disadvantaged. However, this reservation has faced legal challenges, and the implementation has been subject to ongoing discussions and revisions.

These examples highlight the different approaches and variations in reservation policies across states in India. Each state's reservation policies are influenced by historical factors, regional demographics, social dynamics, and political considerations.



1. Do the reservation proportions need to be re - evaluated?
2. Is there under representation for those who can get in based on merit?
3. Is there a requirement to re-evaluate which sectors are still being discriminated against?
4. Would regular updates on social situations of oppressed classes be helpful?
5. Should reservation proportions be consistent throughout the states, or should it depend on the constituency?
6. How important is reservation for women and to what extent must it be carried out?
7. Is reservation enough for improving the socio - economic status of underprivileged and marginalised communities. What can we do to improve the system for them?