

CENMUN 2023



ALL INDIA POLITICAL PARTIES MEET

AGENDA: RE-VISITING RESERVATION
RIGHTS IN A CONTEMPORARY SET UP

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INTRODUCTION TO AIPPM

It is called to discuss pressing issues of national importance, or before the introduction of a Bill, the All India Political Parties Meet aims to enable the various political parties and blocs to attempt to arrive at a consensus of the agenda before the formal sessions begin. It is an informal supplementary body to the Indian Parliament without any legislative provisions. The purpose of the meeting is to be a forum for unbounded political debate which may not be allowed in parliament due to time and procedural constraints. This body aids in providing diverse viewpoints before the actual legislative process. It is a non-technical yet powerful committee that emulates political realities by bringing to light various layers of polity and governance in India. It is a forum for unrestricted political debate, discussion, and deliberation. It helps its participants grasp the multi-layered processes that are behind policy-making and governance in India, providing them with an approach to the impediments and challenges that confront political parties in modern times

INTRODUCTION TO AGENDA

Reservation rights in India stand as a testament to the nation's commitment to rectifying historical injustices and addressing deeply entrenched social disparities. Rooted in the country's complex socio-political fabric, these rights are instrumental in promoting social inclusion and ensuring equitable representation for marginalized communities. The reservation system, primarily directed towards caste, tribe, and economically disadvantaged groups, allocates a certain percentage of seats in educational institutions, government jobs, and legislative bodies exclusively for these communities. The underlying philosophy of reservation rights is to uplift those who have historically suffered from discrimination and lack of opportunities. By providing them with access to education and employment avenues that were once denied to them, India seeks to pave the way for their socio-economic advancement. This approach not only fosters individual growth but also contributes to the overall development of the nation by tapping into the diverse talents and potential of all its citizens. However, the implementation of reservation rights has sparked ongoing debates.

In navigating this intricate landscape, India faces the challenge of striking a balance between social justice and ensuring that the most qualified individuals receive opportunities based on merit. Amidst these debates, reservation rights continue to evolve, with periodic adjustments and revisions to align with contemporary social dynamics.

RESERVATION IN INDIA & ITS CONSTITUTIONAL PROVISIONS

The exact necessities for the reservation in services in favor of the members of the SC/STs have been made in the Constitution of India.

They are as follows:

- Article 15(4) and 16(4) of the Constitution enabled both the state and Central Governments to reserve seats in public services for the members of the SC and ST, thereby, enshrining impartiality of opportunity in matters of civic service.
- Article 16(4 A): it makes provisions for reservation in the matter of promotion to any class or classes of posts in the services under the State in favor of SCs and STs (Constitutional 77th Amendment, – Act, 1995).
- Article 16 (4 B): It enables the state to fill the unfilled vacancies of a year which are reserved for SCs/STs in the succeeding year, thereby nullifying the ceiling of fifty percent reservation on total number of vacancies of that year (Constitutional 81st Amendment, – Act, 2000).
- Article 330 and 332: It provides for specific representation through reservation of seats for the SCs and the STs in the Parliament (Article 330) and in the State Legislative Assemblies (Article 332), as well as, in Government and public sector jobs, in both the federal and state Governments (Articles 16(4), 330(4) and 335).

THE CONSTITUTION 117TH AMENDMENT BILL

The controversy started from a judgment delivered by a two-judge bench of the Supreme Court in U.P Power Corporation Ltd. v. Rajesh Kumar in April 2012. In the M.Nagaraj Case of 2006, it was already held by the Supreme Court that the state must demonstrate backwardness, inadequacy of representation and maintenance of efficiency before providing reservation in promotions. What the U.P Power Corporation did for the first time was to strike down reservation in promotions for not meeting these criteria.

The UP Power corporation did this because the question of inadequacy of representation, the text of Article 16 is clear that it is a matter for the state to determine. The response of the government has now come in the form of 117th Constitution Amendment Bill introduced in the Rajya Sabha. The article 16 4 A as per this new amendment bill speaks as follows: Notwithstanding anything contained elsewhere in the Constitution, the Scheduled Castes and the Scheduled Tribes notified under article 341 and article 342, respectively, shall be deemed to be backward and nothing in this article or in article 335 shall prevent the State from making any provision for reservation in matters of promotions, with consequential seniority, to any class or classes of posts in the services under the State in favor of the Scheduled Castes and the Scheduled Tribes to the extent of the percentage of reservation provided to the Scheduled Castes.

CONCLUSION

In conclusion, reservation rights play a significant role in promoting equality, diversity, and social justice in various contexts. Whether applied in education, employment, or political representation, reservation rights aim to address historical and systemic disadvantages faced by marginalized groups. While they have been successful in increasing opportunities for these groups, reservation rights also raise important debates about meritocracy, fairness, and the potential for perpetuating stereotypes. To achieve the desired outcomes, it's crucial that reservation policies are well-designed, periodically reviewed, and adjusted to ensure they remain relevant and effective. Alongside reservation, efforts to improve the overall socio-economic conditions of marginalized communities, enhance access to quality education and healthcare, and eliminate discrimination are equally important. Reservation rights should ideally be a part of a comprehensive approach towards creating a more inclusive and just society. It's important to recognize that reservation rights alone may not solve all the challenges faced by marginalized communities. Collaborative efforts involving government initiatives, private sector involvement, and societal change are essential to create an environment where all individuals have equal opportunities to succeed based on their abilities and talents, irrespective of their background. The ultimate goal should be to move towards a society where reservation rights are no longer necessary, as true equality has been achieved.

BIBLIOGRAPHY

PROOFS/EVIDENCE IN COMMITTEE

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