

A Brief History of Reservation Policies of Government of Tamil Nadu

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Abstract

The reservation policy that is being implemented in Tamil Nadu to considerably improve the social and educational status of Backward Classes, Most Backward Classes, Denotified Communities and Minorities. The employment in government service will bring the justice like social status, educational and cultural development and secured future among the Backward Class. But in the caste dogma society of India, the backward class people have been denied to access the education and employability. In ancient period the hierarchy of Varna classified into four categories namely, Brahmana, Kshathriya, Vaishya, and Sudhra. Every Constitution has philosophy of its own. The Preamble of our Constitution proclaims the resolution of PEOPLE OF INDIA to constitute India into a SOVEREIGN, SOCIALIST, SECULAR AND DEMOCRATIC REPUBLIC and to secure to all its citizens. The central Government set up the First Backward Classes Commission on 29th January 1953 under Article 340 of the Indian Constitution. The Tamil Nadu State Backward Classes Commission came into existence on March 15, 1993, at the Supreme Court's instance. It was formed to examine and recommend upon the requests relating to inclusion and exclusion from the list of Backward Classes and Most Backward Classes. The Commission conducts enquiries on the representations received from various community organisations and individuals for inclusion of their communities in the list of Backward Classes. At present, reservation works out to somewhat less than 69%, depending on how many non-reserved category students are admitted in the super-numeracy seats.

Key Words: Reservation, backward classes. Tamil Nadu

The reservation policy that is being implemented in Tamil Nadu to considerably improve the social and educational status of Backward Classes, Most Backward Classes, Denotified Communities and Minorities, has helped these sections of the society to pursue their studies in higher educational institutions and to gain employment in various services under the State.

In a democratic country, the majority of the population should have access and due share in power and administration from the government. The employment in government service will bring the justice

like social status, educational and cultural development and secured future among the Backward Class. But in the caste dogma society of India, the backward class people have been denied to access the education and employability. In ancient period the hierarchy of Varna classified into four categories namely, Brahmana, Kshathriya, Vaishya, and Sudhra. The Jathi is classified as many number from the four Varnas. The last category Shudra are kept in bottom of ladder. And also there was divided as sub-division from the Sudhra category called, Panjama 'it means polluted category, untouchables' and it is

apart from four Varna, later it considered as fifth Varna. In this Varna system, the Brahmins were considered as the highest class and the Sudhras were lowest of the social stratum and they denied education and job opportunity in public employment.

Every Constitution has philosophy of its own. The Preamble of our Constitution proclaims the resolution of *People of India* to constitute India into a *Sovereign, Socialist, Secular And Democratic Republic* and to secure to all its citizens: *Justice*, social, economic and political; *Liberty* of thought, expression, belief, faith and worship; *Equality* of status and opportunity; and to promote among them all; *Fraternity* assuring the dignity of the individual and the unity and integrity of the Nation. The word 'social justice' in the Preamble implies recognition of greater good to a larger number without deprivation of legal rights of anybody. The concept of equality, enshrined in the Preamble has also found expression as a fundamental right in Article 14 to 16.

The central Government set up the First Backward Classes Commission on 29th January 1953 under Article 340 of the Indian Constitution. If we insert the Mandal OBC population in India 2001, census data reveals that SC, ST, OBC, Muslims and Christians account for 92.1 percent of the total population. Besides this, Sikhs, Buddhists, Jains constitute 3.1 percent (1.9 percent + 0.8 percent + 0.4 percent). This implies that others implying higher castes are less than 5 percent which is a gross under-estimate. Obviously, Mandal Commission of 52 percent for OBC is unreliable as it is an over-estimate.

A Brief History of Quotas in Tamil Nadu

The non-Brahmin movement in Madras Presidency (as the province was called during British rule) during the 1910 and 1920 and the movement launched by the Backward Classes from the 1930 to the 1950 that gave a new caste idiom to South Indian politics and the policies about the Backward Classes, or BC.

It was mainly against the background and knowledge of these movements, and pressures for reservation for the backward classes that the Constituent Assembly adopted Article 10(4) (*now Article 16 (4)*) providing for job reservation.

In 1969, the Dravida Munnetra Kazhagam government under M. Karunanidhi appointed the first Tamil Nadu State Backward Classes Commission with A.N. Sattanathan as the chairman. The Commission found that the Most Backward Classes or MBC in Tamil Nadu had a very small presence in state services and professional colleges as they were clubbed together with other castes.

From 1971 onwards, reservation for the Backward Classes was 25 percent but the Sattanathan Commission recommended a separate educational and employment reservation of 16 percent for the Most Backward Classes and 17 percent for the Backward Classes. In 1971, the DMK government hiked the reservation for the Backward Classes from 25 percent to 31 percent and for the Scheduled Castes and Scheduled Tribes from 16 percent to 18 percent. So total 49 percent reservation system was there.

In 1980, MGR's All India Anna Dravida Munnetra Kazhagam government increased the reservation for the Backward Classes from 31 percent to 50 percent. No change have Made in SC/ST reservation, it

was 18 percent only. In 1992, the Supreme Court of India ordered the Reservation Systems should not exceed 50 percent.

The second Tamil Nadu State Backward Classes Commission came into existence on March 15, 1993, at the Supreme Court's instance. It was formed to examine and recommend upon the requests relating to inclusion and exclusion from the list of Backward Classes and Most Backward Classes. The Commission conducts enquiries on the representations received from various community organisations and individuals for inclusion of their communities in the list of Backward Classes.

The Commission looks into three factors while identifying a caste group as backward social backwardness, economic backwardness and educational backwardness. The weightage allotted is 50 percent for social backwardness, 40 percent for educational backwardness and 10 percent for economic backwardness. In 2010, the Supreme Court had notified, if reservations can exceed 50 percent, there should be quantifiable data for respective communities.

Reservation in Tamil Nadu

The reservation policy in Tamilnadu, which has been introduced in the year 1921 with an object of developing the people who did not get their due share according to their population in educational and employment opportunities for a very long period, had undergone many changes and now it has reached the level of 69% as detailed below Scheduled Castes 18 Percentage, Scheduled Tribes 1 Percentage, Backward Classes (Other than Backward Class Muslims) 26.5 Percentage, Backward Class Muslims 3.5

Percentage, Most Backward Classes and Denotified Communities 20 Percentage 16 percent of the seats reserved for Scheduled Castes are provided for Arunthathiyars on a priority basis. When difficulty arose in the implementation of 69% reservation in admission to educational institutions and appointments to Public Services due to the judgement delivered by Hon'ble Supreme Court of India in Indra Sawhney Vs Union of India, popularly known as Mandal Commission cases, restricting the total reservation under Article 16(4) of the Constitution to 50%, the Government of Tamil Nadu under the able guidance of Hon'ble Chief Minister, acted swiftly and passed the Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of seats in Educational Institutions and of appointments or posts in the services under the State) Act, 1993 (Tamil Nadu Act 45 of 1994). The above Act was subsequently included in the 9th Schedule of the Constitution in order to get protection 56 under Article 31-B of the Constitution. This is a remarkable achievement in the history of Social Justice.

Education

Since education is considered as an yardstick to measure the development of the society, Government is implementing various schemes for the educational advancement of Backward Classes, Most Backward Classes, Denotified Communities and Minorities. Especially, the maintenance of Kallar Reclamation Schools, Hostels, Award of Scholarships, free supply of Uniforms, Books, Bicycles, Award of prizes to the students who secure the highest marks in 10th and 12th standard Public Examinations are some of the

noteworthy schemes that are implemented for the educational advancement.

The Constitution (76th Amendment) Act, 1994

The policy of reservation of seats in Educational Institutions and reservation of appointments of posts in public services for Backward Classes, Scheduled Castes and Scheduled Tribes has a long History in Tamilnadu dating back to the year 1921. The extent of reservation has been increased by the State Government from time to time, consistent with the needs of the majority of the people and it has now reached the level of 69 percent. The Supreme Court delivered its judgement in Indira Sawhney and Others Vs. Union of India others (AIR 1993 SC 477) on 16th November, 1992, Holding that the total reservations under article 16(4) should not

exceed 50 percent. In 1980, much before the V P Singh government's Mandal move, the Tamil Nadu government had implemented 69 percent reservation for backward classes in educational institutions and jobs.

Quota System

At present, reservation works out to somewhat less than 69%, depending on how many non-reserved category students are admitted in the super-numeracy seats. If 100 seats are available, first, two merit lists are drawn up without considering community (reserved or unreserved), one for 31 seats and a second for 50 seats, corresponding to 69 percent reservation and 50 percent reservation respectively.

| Community | Reservation (Out of 69%) | Distribution , If any |
|-----------|--------------------------|--|
| BC | 30 % | BC (General) - 26.5 % BC (Muslims) - 3.5% |
| MBC | 20% | |
| SC | 18% | SC – 15% SC (Arunthathiar - 3% |
| ST | 1 % | |
| Total | 69% | |

Tamil Nadu was the only State that followed policy of reserving not more than 69% in favour of backward classes, both in case of public employment and education institutions. The reservation policy was only for 10 years after the independence, for upliftment of SC and ST but till now it is continue and no one has taken any step to amendment it or revise it or to change it.

Political parties are very hesitated to oppose reservation policy as such. There is a social polarisation between the forward

and backward caste members of the political parties to party can exclusively depend on an issue permanently to derive political parties. This was proved when the Justice party and later DMK began to take up uplift and other than social justice and reservations and forged alliances with parties other than they had deemed earlier as their inveterate foes. Demography than all at they should closely be considered before reservations are implemented political parties have seized the opportunity.

We have to take into consideration that our population has increased tremendously. If a person in the open category and a person in the reserved category get 98 percent, it shows given an opportunity, even those

from the Backward Classes can come up. But his reservation shouldn't be at the cost of somebody else who is also equally good.

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