Reservation Policy of Tamil Nadu – Communal G.O.s, Champakam Dorairajan & First Amendment, 69% Act 45 of 1994 & Ninth Schedule, Internal Quotas & EWS | TNPSC Notes

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Reservation policy of Tamil Nadu is the system of reserving seats in education and posts in public services for socially and educationally backward communities. Its roots go back to the **Communal Government Orders (Communal G.O.s)** of the Madras Presidency issued from **1921** under the Justice Party government. After the Supreme Court struck down the Communal G.O. in the **Champakam Dorairajan case (1951)**, Parliament added **Article 15(4)** through the **First Amendment**. Today Tamil Nadu has a total of **69 per cent reservation**, protected by **Tamil Nadu Act 45 of 1994**, which the **76th Constitutional Amendment** placed in the **Ninth Schedule**.

தமிழில் படிக்க

These notes are written for TNPSC Group 1, 2/2A and 4 aspirants and are meant to be complete on their own. Reservation policy is a core topic in **Development Administration in Tamil Nadu** (social justice, welfare of backward classes, SC and ST). Its constitutional side – Articles 15 and 16, the First, 76th and 103rd Amendments, the Ninth Schedule and the major court cases – belongs to **Indian Polity**; and the Justice Party, the Communal G.O.s and the role of Periyar belong to **History, Culture, Heritage and Socio-Political Movements of Tamil Nadu**. Every number below is given with its source and year. Read each section, then use the tables, the quick revision table and the key points at the end.

Background: Why Reservation Began in the Madras Presidency

In the early twentieth century, leaders of the non-Brahmin movement in the Madras Presidency argued that a small section of society held most posts in government service and most seats in higher education, while the large majority of communities had very little share. The **South Indian Liberal Federation (Justice Party)**, formed in 1916, demanded **communal representation** – a share in posts for every community. When the Justice Party formed the government under dyarchy (1920), it used government orders to put this idea into practice.

- **Idea:** posts and seats should be shared among communities, so that every group has a place in administration and education.

The Communal G.O.s (1921 – 1928)

- **First Communal G.O. – 16 September 1921:** issued by the Justice Party government. It asked departments to report appointments community-wise, so that the share of each community could be watched. Its implementation was slow.
- **Second Communal G.O. – 1922:** issued to give effect to the first order and to extend the idea; this too was applied only partly.
- **Communal G.O. of the P. Subbarayan ministry (1927–28):** the independent ministry of **Dr P. Subbarayan**, with **S. Muthiah Mudaliar** as Education Minister, issued the order that actually fixed a share for each community in appointments. Sources differ on the year of this order: some give 1927, others 1928.

Under the Subbarayan-era order, appointments were made in units of 12. The distribution, as given in historical accounts of the order (Inmathi, 2021; The Hardline), was (one account links the same 12-unit scheme to the 1921 order itself):

Community	Posts out of every 12	Approximate share
Non-Brahmin Hindus	5	about 42%
Brahmins	2	about 17%
Muslims	2	about 17%
Anglo-Indians and Christians	2	about 17%
Depressed Classes (Scheduled Castes)	1	about 8%

Exam tip: the first Communal G.O. is dated **16 September 1921** (Justice Party ministry); the order that fixed the 12-unit share came under the **Subbarayan ministry** with **Muthiah Mudaliar** as Education Minister.

After Independence: the Champakam Dorairajan Case (1950–51)

The Communal G.O. continued after independence. In 1950 it was used for admission to the State's medical and engineering colleges. As quoted in the Supreme Court judgment (1951), seats were filled in units of 14:

Community (as named in the G.O.)	Seats out of every 14
Non-Brahmin (Hindus)	6
Backward Hindus	2
Brahmins	2
Harijans	2
Anglo-Indians and Indian Christians	1
Muslims	1

- **Petitioners: Champakam Dorairajan** (medical college admission) and **C. R. Srinivasan** (Government Engineering College, Guindy) challenged the G.O. in the **Madras High Court**, which ruled in their favour in 1950.
- **Supreme Court:** on **9 April 1951** a **seven-judge bench** (Chief Justice H. J. Kania presiding; judgment by Justice S. R. Das) dismissed the State's appeals.
- **Holding:** the Communal G.O. violated **Article 29(2)** (no citizen shall be denied admission to a State-maintained or State-aided institution on grounds only of religion, race, caste, language or any of them) and was void.
- **Directive Principles:** the State relied on Article 46; the Court held that Directive Principles cannot override Fundamental Rights.

- **Reaction in Madras State:** the decision led to protests across the State; the Dravidar Kazhagam under **Periyar** demanded the restoration of communal reservation. The State's Policy Note 2024-25 links the First Amendment to this agitation led by Thanthai Periyar.

The First Constitutional Amendment (1951)

- **Constitution (First Amendment) Act, 1951** came into force on **18 June 1951**.
- It inserted **Article 15(4)**: nothing in Article 15 or in Article 29(2) 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 Scheduled Tribes.
- The Bill was examined by a Select Committee whose members included Prime Minister **Jawaharlal Nehru** and Dr B. R. Ambedkar (Select Committee report, 25 May 1951).
- The same amendment also added Articles 31A and 31B and created the **Ninth Schedule** (first used for land-reform laws) – the Schedule that would later protect Tamil Nadu's 69 per cent law.
- Note: Article 16(4) (reservation in posts) was already in the original Constitution; Article 15(4) covered **education** and other special provisions.

Growth of Reservation in Tamil Nadu (1951 – 1990)

After Article 15(4), Madras State restored reservation under the new constitutional basis. The quantum was raised step by step until it reached 69 per cent in 1990.

Year	Change	BC	SC/ST	Total	Source
Early 1950s	Reservation restored after the First Amendment	25%	16%	41%	The News Minute 2021
1971	Increase after the Sattanathan Commission report (DMK government, M. Karunanidhi)	31%	18%	49%	The News Minute 2021; Swarajya
1980	BC share raised (AIADMK government, M. G. Ramachandran)	50%	18%	68%	The News Minute 2021
1989	Separate 20% for Most Backward Classes and Denotified Communities carved out of the BC 50% (DMK government, M. Karunanidhi)	BC 30% + MBC/DNC 20%	18%	68%	The News Minute 2021; PTI 2021
1990	Separate 1% for Scheduled Tribes	BC 30% + MBC/DNC 20%	SC 18% + ST 1%	69%	Policy Note 2024-25; The News Minute 2021

- **1979 income ceiling:** in 1979 the AIADMK government introduced an annual income ceiling for BC reservation. After the 1980 Lok Sabha election results, the income criterion was withdrawn and the BC share was raised to 50 per cent.

- **1987 agitation:** the **Vanniyar Sangam**, led by Dr S. Ramadoss, organised agitations in northern Tamil Nadu in 1987 demanding separate reservation; 21 persons died in police firing (as per PTI report, 2021). In 2021 the State announced a memorial for them in Villupuram district.
- **1989 – MBC/DNC category:** the separate 20 per cent quota for the Most Backward Classes and Denotified Communities was created in 1989.
- **1990 – 69 per cent:** as per the State's Policy Note 2024-25, "the existing 69 percent reservation has been under implementation in the State since 1990".

Backward Classes Commissions of Tamil Nadu

Commission	Key facts
First Backward Classes Commission – **A. N. Sattanathan**	Set up by the DMK government; report submitted in 1970. It recommended separate quotas for the most backward (16%) and other backward classes (17%). Its report led to the 1971 increase (BC 31%, SC/ST 18%).
Second Backward Classes Commission – **J. A. Ambasankar**	Constituted in 1982 by the AIADMK government (M. G. Ramachandran) to review the backward classes after the 1980 increase; the existing BC share of 50% continued.
Tamil Nadu Backward Classes Commission (permanent)	Functioning since **15 March 1993** as a permanent body, under Article 16(4) read with Article 340 (as per Policy Note 2024-25); as per the same Policy Note, it was reconstituted with effect from 17 November 2022, for a tenure of three years, under Justice V. Bharathidasan (former Judge of the High Court). It must be consulted on classification and sub-classification under Section 7 of Act 45 of 1994.

Indra Sawhney and the 50 Per Cent Ceiling (1992)

- On **16 November 1992**, in **Indra Sawhney v. Union of India** (the Mandal case), the Supreme Court held that reservation under Article 16(4) should not, as a rule, exceed **50 per cent**.
- The Madras High Court allowed Tamil Nadu's existing policy for the 1993-94 academic year, but said reservation must come down to 50 per cent from 1994-95; an interim order of the Supreme Court also said admissions should not exceed 50 per cent (as recorded in the Statement of Objects and Reasons of the 76th Amendment Bill).
- On **9 November 1993** a special session of the Tamil Nadu Legislative Assembly unanimously passed a resolution urging the Union Government to amend the Constitution; an all-party meeting followed on 26 November 1993.

Tamil Nadu Act 45 of 1994 and the 76th Amendment

To keep the 69 per cent, the State passed a Bill in 1993 and sent it to the President under Article 31C. Its full name is 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**, numbered **Tamil Nadu Act 45 of 1994**. The J. Jayalalithaa government was in office at the time.

Item	Fact (source)
President's assent	**19 July 1994** (Act text; 76th Amendment Statement of Objects and Reasons)
Deemed date of effect	Sections 2 to 6 and 8 deemed in force from 16 November 1992 (date of Indra Sawhney); Section 7 from 15 March 1993 (Act text)
Section 2	Declares that the Act gives effect to Article 38, Article 39(b) and (c) and Article 46 (Directive Principles)
Section 4	69% of seats in educational institutions: BC 30%, MBC/DNC 20%, SC 18%, ST 1%
Section 5	69% of appointments or posts in services under the State, in the same proportions
Section 6	A BC/MBC/DNC/SC/ST candidate selected on merit in open competition is not counted against the reserved share
Section 7	Government may classify or sub-classify backward classes on the advice of the Tamil Nadu Backward Classes Commission
Ninth Schedule	The **Constitution (Seventy-sixth Amendment) Act, 1994** (dated 31 August 1994) inserted it as **entry 257A** of the Ninth Schedule
Protection	**Article 31B** – laws in the Ninth Schedule cannot be declared void merely for inconsistency with Fundamental Rights

- **I. R. Coelho v. State of Tamil Nadu (11 January 2007):** a nine-judge bench held that laws added to the Ninth Schedule on or after **24 April 1973** (the date of the Kesavananda Bharati judgment) can be tested against the **basic structure**. Act 45 of 1994 was added in 1994, so it is open to such review.
- **Pending challenge:** petitions questioning the 69 per cent law have been pending before the Supreme Court for many years; the 69 per cent continues to be implemented.
- **Extension to private institutions:** a 2006 State law (Tamil Nadu Act 12 of 2006) extended reservation to private educational institutions other than minority institutions (Act text; Policy Note 2024-25).

Present Reservation Structure in Tamil Nadu

Category	Share	Source
Backward Classes (BC) – other than BC Muslims	26.5%	BC & MBC Welfare Department Citizen Charter 2026-27
Backward Class Muslims (BCM)	3.5%	BC & MBC Welfare Department Citizen Charter 2026-27
Most Backward Classes and Denotified Communities (MBC & DNC)	20%	BC & MBC Welfare Department Citizen Charter 2026-27
Scheduled Castes (SC) – includes 3% preferential reservation for Arunthathiyars	18%	BC & MBC Welfare Department Citizen Charter 2026-27; TN Act 4 of 2009
Scheduled Tribes (ST)	1%	BC & MBC Welfare Department Citizen Charter 2026-27
Total reserved	**69%**	BC & MBC Welfare Department Citizen Charter 2026-27
Open competition (general turn, open to all)	31%	100% minus 69%

Remember: the 30 per cent for Backward Classes in Act 45 of 1994 is today split into **26.5 per cent (BC)** and **3.5 per cent (BC Muslims)**; the 18 per cent for SC includes the **3 per cent preferential share for Arunthathiyars**. As per the State's Policy Note 2024-25, more than 88 per cent of the State's population belongs to the BC, MBC, DNC, SC and ST groups.

Internal (Sub-) Reservations

Backward Class Muslims – 3.5 per cent (2007)

- **Tamil Nadu Act 33 of 2007** gives 3.5 per cent reservation to Backward Class Muslims within the 30 per cent for Backward Classes, on the recommendation of the Backward Classes Commission.
- In force from **15 September 2007** (as per Policy Note 2024-25).

Arunthathiyars – 3 per cent within SC (2009)

- **Tamil Nadu Arunthathiyars (Special Reservation of Seats in Educational Institutions including Private Educational Institutions and of Appointments or Posts in the Services under the State within the Reservation for the Scheduled Castes) Act, 2009 – Tamil Nadu Act 4 of 2009**.
- Came into force on **29 April 2009**; it gives **3 per cent preferential reservation** to Arunthathiyars within the 18 per cent for Scheduled Castes (as recorded in a TNPSC-published Madras High Court order of 8 December 2009, and The Federal). Section 4 of the Act, as quoted in that order, expresses the share as sixteen per cent of the posts reserved for Scheduled Castes – roughly 3 per cent of the total.
- On **1 August 2024**, a seven-judge bench of the Supreme Court (State of Punjab v. Davinder Singh) held, by majority, that States may sub-classify Scheduled Castes, overruling the earlier E. V. Chinnaiah ruling; Tamil Nadu welcomed the verdict as supporting its Arunthathiyar internal reservation (The Federal; Deccan Herald, 2024).

Vanniyar Internal Reservation (2021) and the Supreme Court Verdict (2022)

- **The 2021 Act:** in **February 2021**, the Tamil Nadu Assembly (AIADMK government, Chief Minister Edappadi K. Palaniswami) passed a law (Tamil Nadu Act 8 of 2021; Governor's assent 26 February 2021) dividing the 20 per cent MBC/DNC quota into three parts.
- **Split** (as per the Act text; The Week, 2021): Part I – **Vanniakula Kshatriya 10.5%**; Part II – MBC/DNC 7%; Part III – other MBC 2.5%.
- **Implementation:** the DMK government that took office in May 2021 issued orders to implement it in July 2021.
- **Madras High Court:** on **1 November 2021** a Division Bench of the High Court struck the Act down; its reasons included the absence of quantifiable data and, in its view, the State's lack of legislative competence after the 102nd Amendment (the Supreme Court later differed on the competence point).
- **Supreme Court:** on **31 March 2022** (Pattali Makkal Katchi v. A. Mayilerumperumal; Justices **L. Nageswara Rao** and **B. R. Gavai**) the Court upheld the High Court's conclusion.

Issue before the Supreme Court (2022)	What the Court held
Did the State have power to make the law?	Yes. The State had legislative competence; fixing the extent of reservation within the MBC list is not 'identification' of backward classes barred by the 102nd Amendment
Is the 105th Amendment retrospective?	No – it is prospective, not a validating amendment
Can caste be the basis of internal reservation?	Caste can be the starting point, but it cannot be the sole basis; the State must justify the classification
Was the classification valid?	No substantial basis was shown to treat the Vanniakula Kshatriyas differently from the other 115 MBC/DNC communities; the Act violated Articles 14, 15 and 16

- **After the verdict:** the question of internal reservation within MBC/DNC, in the light of the Supreme Court judgment dated 31 March 2022, was placed in the terms of reference of the Tamil Nadu Backward Classes Commission (Policy Note 2024-25).
- **Present position:** the Citizen Charter 2026-27 shows MBC & DNC as a single 20 per cent category.

EWS Reservation and Tamil Nadu

- **103rd Amendment:** the Constitution (One Hundred and Third Amendment) Act, 2019 (assent and publication 12 January 2019) inserted **Articles 15(6) and 16(6)**, allowing up to **10 per cent** reservation for **Economically Weaker Sections (EWS)** not covered by the existing reservations.
- **Janhit Abhiyan v. Union of India (7 November 2022):** a five-judge bench upheld the amendment by a **3:2** majority.
- **Tamil Nadu's stand:** an all-party meeting convened by the State Government on **12 November 2022** passed a resolution rejecting the 103rd Amendment and decided to seek a review; the State said it would not implement the EWS quota in State posts and admissions and would continue the 69 per cent (as reported, November 2022). The AIADMK and the BJP did not attend the meeting.

Key People and Bodies

Person / body	Role
Justice Party government (Raja of Panagal ministry)	First Communal G.O., 16 September 1921
Dr P. Subbarayan and S. Muthiah Mudaliar	Chief Minister and Education Minister whose ministry fixed community shares in appointments (1927–28)
Champakam Dorairajan and C. R. Srinivasan	Petitioners whose cases led to the striking down of the Communal G.O. (1950–51)
Periyar E. V. Ramasamy (Dravidar Kazhagam)	Led the agitation for restoration of communal reservation, 1950–51
A. N. Sattanathan	Chairman, First Backward Classes Commission (report 1970)
J. A. Ambasankar	Chairman, Second Backward Classes Commission (1982)
M. Karunanidhi (DMK)	Chief Minister at the time of the 1971 increase, the 1989 MBC/DNC quota, the BC Muslim Act (2007) and the Arunthathiyar Act (2009)
M. G. Ramachandran (AIADMK)	Chief Minister when the BC share was raised to 50% (1980)
J. Jayalalithaa (AIADMK)	Chief Minister when Act 45 of 1994 was passed and placed in the Ninth Schedule

Significance and Debates

- **Long history:** Tamil Nadu is one of the earliest regions to apply community-wise representation in government (from 1921), and its demand shaped Article 15(4).
- **Sub-classification:** the MBC/DNC category (1989), BC Muslims (2007) and Arunthathiyars (2009) show the use of internal quotas to spread benefits among groups.
- **Issues debated:** the 50 per cent ceiling and the pending challenge; the need for current caste data (the Policy Note notes that the last full caste census was in 1931); the creamy-layer question; and the basis for internal reservation, as seen in the 2022 Vanniyar judgment.

Writing Mains Answers on Reservation Policy of Tamil Nadu (Group 1 / Group 2)

Descriptive papers ask about the evolution, constitutional basis and present status of reservation in Tamil Nadu. Use these frameworks and support each point with a fact and its source from the notes above.

Evolution of reservation policy in Tamil Nadu (about 200–250 words)

- **Introduction:** community representation began with the Communal G.O. of 16 September 1921 under the Justice Party.
- **Constitutional turning point:** Champakam Dorairajan (9 April 1951, Article 29(2)) → First Amendment, Article 15(4) (in force 18 June 1951).
- **Expansion:** 41% → 49% (1971, Sattanathan) → 68% (1980) → MBC/DNC 20% (1989) → 69% with ST 1% (1990).

- **Protection:** Indra Sawhney (16 November 1992) → Act 45 of 1994 (assent 19 July 1994) → 76th Amendment, Ninth Schedule entry 257A.
- **Refinement:** BC Muslims 3.5% (2007), Arunthathiyars 3% within SC (2009).
- **Conclusion:** present 69% (Citizen Charter 2026-27); issues – 50% ceiling, data, sub-classification.

How does Tamil Nadu maintain 69 per cent reservation despite the 50 per cent ceiling? (about 150 words)

- Indra Sawhney (1992) set the 50% rule; Madras High Court and Supreme Court interim orders followed.
- Assembly resolution (9 November 1993); Bill sent to the President under Article 31C.
- Act 45 of 1994 – Sections 4 and 5 fix 69%; Section 2 links it to Articles 38, 39(b)(c) and 46.
- 76th Amendment (1994) – entry 257A, Ninth Schedule; Article 31B protection.
- Limit: I. R. Coelho (2007) – post-24 April 1973 Ninth Schedule laws open to basic-structure review; challenge pending.

Internal reservation: Arunthathiyar quota and the Vanniyar judgment (about 150 words)

- Purpose: to spread benefits to groups that remain under-represented within a larger category.
- Arunthathiyars: Act 4 of 2009, 3% preferential within SC 18%; sub-classification of SCs upheld by the Supreme Court on 1 August 2024.
- Vanniyar: 2021 Act (10.5% / 7% / 2.5%); struck down by Madras High Court (1 November 2021) and Supreme Court (31 March 2022) – caste cannot be the sole basis; no substantial basis shown.

Practice: Match the Following

Item	Match
16 September 1921	First Communal G.O.
9 April 1951	Champakam Dorairajan judgment
18 June 1951	First Amendment in force – Article 15(4)
16 November 1992	Indra Sawhney judgment – 50% ceiling
19 July 1994	President's assent to TN Act 45 of 1994
Entry 257A	Ninth Schedule – TN Act 45 of 1994
15 March 1993	Permanent TN Backward Classes Commission begins
15 September 2007	BC Muslims 3.5% in force
29 April 2009	Arunthathiyar 3% Act in force
31 March 2022	Supreme Court strikes down Vanniyar 10.5% Act

Common Mistakes to Avoid

- **Article violated in Champakam:** Article **29(2)** – not Article 16(4). Article 15(4) was **added after** the case.

- **Article 15(4) vs 16(4):** 16(4) (posts) was in the original Constitution; 15(4) (special provisions, including education) came by the First Amendment in 1951.
- **Act number vs year:** the law is the '1993 Act' by name but **Tamil Nadu Act 45 of 1994** by number (assent 19 July 1994).
- **76th, not 73rd/74th:** the Ninth Schedule entry came by the **76th Amendment (1994)**; the 73rd/74th are about local bodies.
- **BC 30% vs 26.5%:** Act 45 of 1994 says BC 30%; since 2007 it is BC 26.5% + BC Muslims 3.5%.
- **Arunthathiyar 3% is within SC 18%**, not an addition to 69%.
- **Vanniyar 10.5% was within MBC/DNC 20%**, not an addition; it is no longer in force after 31 March 2022.
- **69% since 1990**, not since 1994 – the 1994 Act protected an existing 69%.
- **Sattanathan = first** BC Commission; **Ambasankar = second**.

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Quick Revision Table

Year / date	Event
16 Sep 1921	First Communal G.O. (Justice Party government)
1922	Second Communal G.O.
1927–28	Subbarayan ministry's Communal G.O. (Education Minister S. Muthiah Mudaliar) – 12-unit shares
9 Apr 1951	Supreme Court (7 judges) strikes down the Communal G.O. – Article 29(2)
18 Jun 1951	First Amendment in force – Article 15(4); Ninth Schedule created
Early 1950s	BC 25% + SC/ST 16% = 41%
1970	Sattanathan Commission report
1971	BC 31% + SC/ST 18% = 49%
1980	BC 50% + SC/ST 18% = 68%
1989	MBC/DNC 20% separated from BC 50%
1990	ST 1% separated – total 69%
16 Nov 1992	Indra Sawhney – 50% ceiling
15 Mar 1993	Permanent TN Backward Classes Commission
19 Jul 1994	Assent to TN Act 45 of 1994
31 Aug 1994	76th Amendment – Ninth Schedule entry 257A
11 Jan 2007	I. R. Coelho – basic-structure review of Ninth Schedule laws
15 Sep 2007	BC Muslims 3.5% (Act 33 of 2007)
29 Apr 2009	Arunthathiyar 3% within SC (Act 4 of 2009)
12 Jan 2019	103rd Amendment – EWS up to 10%
31 Mar 2022	Supreme Court upholds the High Court
7 Nov 2022	Janhit Abhiyan – EWS upheld (3:2)
1 Aug 2024	Supreme Court allows sub-classification of SCs (Davinder Singh)

TNPSC Key Points (PYQ-style facts)

- First Communal G.O.: 16 September 1921, Justice Party government; second: 1922.
- Champakam Dorairajan: 9 April 1951, seven judges, Article 29(2) violated; DPSP cannot override Fundamental Rights.
- First Amendment: in force 18 June 1951; Article 15(4); also Articles 31A, 31B and the Ninth Schedule.
- First BC Commission: A. N. Sattanathan (report 1970); second: J. A. Ambasankar (1982); permanent TN BC Commission from 15 March 1993.

- TN Act 45 of 1994: assent 19 July 1994; Sections 4 (education) and 5 (posts) – 69%.
- 76th Amendment, 1994: Ninth Schedule entry 257A; protection under Article 31B.
- Present: BC 26.5%, BCM 3.5%, MBC/DNC 20%, SC 18%, ST 1% = 69% (Citizen Charter 2026-27).
- BC Muslims 3.5%: Act 33 of 2007, from 15 September 2007.
- Arunthathiyars 3% within SC: Act 4 of 2009, from 29 April 2009.
- EWS: 103rd Amendment, Articles 15(6) and 16(6), up to 10%; upheld 7 November 2022 (3:2).

Frequently Asked Questions

How did Tamil Nadu's reservation reach 69 per cent?

After the First Amendment (1951) the Madras State gave 25 per cent to Backward Classes and 16 per cent to SC/ST (41 per cent). In 1971, after the Sattanathan Commission report, this became 31 + 18 = 49 per cent; in 1980 the BC share was raised to 50 per cent (68 per cent); in 1989 a separate 20 per cent for MBC/DNC was carved out of the BC 50 per cent; and in 1990 a separate 1 per cent for Scheduled Tribes took the total to 69 per cent.

How is the 69 per cent reservation protected after the 50 per cent ceiling of Indra Sawhney?

Tamil Nadu enacted 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), which received the President's assent on 19 July 1994. The Constitution (Seventy-sixth Amendment) Act, 1994 placed it in the Ninth Schedule as entry 257A, giving it the protection of Article 31B. Challenges to the law have been pending in the Supreme Court.

What is the present break-up of reservation in Tamil Nadu?

As per the BC & MBC Welfare Department Citizen Charter 2026-27: Backward Classes 26.5 per cent, Backward Class Muslims 3.5 per cent, Most Backward Classes and Denotified Communities 20 per cent, Scheduled Castes 18 per cent (with 3 per cent preferential reservation for Arunthathiyars inside it) and Scheduled Tribes 1 per cent – a total of 69 per cent.

Why did the Supreme Court strike down the 10.5 per cent Vanniyar internal reservation?

On 31 March 2022 a bench of Justices L. Nageswara Rao and B. R. Gavai upheld the Madras High Court's judgment of 1 November 2021. The Court held that the State had legislative competence and that caste can be the starting point for internal reservation, but it cannot be the sole basis; since no substantial basis was shown for treating the Vanniakula Kshatriyas differently from the other 115 MBC/DNC communities, the 2021 Act violated Articles 14, 15 and 16.

What was the Champakam Dorairajan case?

In State of Madras v. Champakam Dorairajan, a seven-judge bench of the Supreme Court on 9 April 1951 held the Communal G.O. on admissions to Madras medical and engineering colleges void because

it violated Article 29(2); Parliament then passed the Constitution (First Amendment) Act, 1951, which came into force on 18 June 1951 and added Article 15(4).

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Practice questions

1. In the Champakam Dorairajan case (1951), the Communal G.O. was held to violate which Article?

A. Article 16(4)
B. Article 29(2)
C. Article 15(4)
D. Article 46

2. How many judges heard the Champakam Dorairajan case in the Supreme Court?

A. Five
B. Three
C. Seven
D. Nine

3. Under the Communal G.O. in force in 1950 (as quoted by the Supreme Court), how many of every 14 seats went to non-Brahmin Hindus?

A. 6
B. 2
C. 5
D. 4

4. Which Education Minister of the P. Subbarayan ministry is associated with the Communal G.O. that fixed community shares in appointments?

A. Raja of Panagal
B. S. Muthiah Mudaliar
C. P. T. Rajan
D. C. Natesa Mudaliar

5. Under the Subbarayan-era Communal G.O., how many of every 12 posts went to the Depressed Classes?

A. 2
B. 3
C. 1
D. 5

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6. On which date did the Constitution (First Amendment) Act, 1951 come into force?

A. 26 January 1951
B. 9 April 1951
C. 18 June 1951
D. 15 August 1951

7. Which is/are correct? (1) Article 16(4) was in the original Constitution (2) Article 15(4) was added by the First Amendment (3) The Ninth Schedule was created by the 76th Amendment

A. 1 and 2 only
B. 2 and 3 only
C. 1 and 3 only
D. 1, 2 and 3

8. Who headed Tamil Nadu's First Backward Classes Commission?

A. J. A. Ambasankar
B. A. N. Sattanathan
C. V. Bharathidasan
D. M. Thanikachalam

9. What was Tamil Nadu's total reservation after the 1971 increase?

A. 41%
B. 49%
C. 68%
D. 69%

10. In 1980 the share of Backward Classes in Tamil Nadu was raised to

A. 31%
B. 40%
C. 50%
D. 30%

11. In which year was the separate 20% quota for MBCs and Denotified Communities created?

A. 1980
B. 1987
C. 1989
D. 1994

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12. As per the State Policy Note, since which year has the 69% reservation been in force in Tamil Nadu?

A. 1980
B. 1990
C. 1993
D. 1994

13. On which date was the Indra Sawhney judgment (50% ceiling) delivered?

A. 16 November 1992
B. 9 November 1993
C. 19 July 1994
D. 11 January 2007

14. On which date did the President assent to Tamil Nadu Act 45 of 1994?

A. 16 November 1992
B. 26 November 1993
C. 19 July 1994
D. 31 August 1994

15. As which entry was Tamil Nadu Act 45 of 1994 inserted in the Ninth Schedule?

A. 257A
B. 284
C. 31B
D. 245

16. Which section of Tamil Nadu Act 45 of 1994 reserves 69% of seats in educational institutions?

A. Section 2
B. Section 4
C. Section 6
D. Section 7

17. Which case held that laws added to the Ninth Schedule after 24 April 1973 can be tested against the basic structure?

A. Kesavananda Bharati
B. I. R. Coelho
C. Minerva Mills
D. Indra Sawhney

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18. Since which date has the permanent Tamil Nadu Backward Classes Commission been functioning?

A. 16 November 1992
B. 15 March 1993
C. 19 July 1994
D. 15 September 2007

19. What is the present reservation for Backward Class Muslims in Tamil Nadu?

A. 3%
B. 3.5%
C. 4%
D. 2.5%

20. Which statement about the Arunthathiyar internal reservation is correct?

A. 3% over and above 69%
B. 3% preferential reservation within the SC 18%
C. 3% within the BC 30%
D. A share within the ST 1%

21. Match: (a) Act 33 of 2007 (b) Act 4 of 2009 (c) Act 45 of 1994 (d) Act 12 of 2006 — (1) Reservation in private educational institutions (2) 69% reservation (3) Arunthathiyar 3% (4) BC Muslims 3.5%

A. a-4, b-3, c-2, d-1
B. a-3, b-4, c-2, d-1
C. a-4, b-3, c-1, d-2
D. a-2, b-3, c-4, d-1

22. How was the MBC/DNC 20% divided under the 2021 Vanniyar internal reservation law?

A. 10% / 7.5% / 2.5%
B. 10.5% / 7% / 2.5%
C. 12% / 6% / 2%
D. 10.5% / 6.5% / 3%

23. Which statement about the Supreme Court verdict of 31 March 2022 on the Vanniyar 10.5% law is correct?

A. The State had no legislative competence
B. Caste can be the starting point but cannot be the sole basis
C. The 105th Amendment is retrospective
D. The law was upheld

24. Which clauses did the 103rd Constitutional Amendment (2019) insert?

A. 15(4) and 16(4)

B. 15(5) and 16(4A)

C. 15(6) and 16(6)

D. 31B and 31C

25. By what majority did the Supreme Court uphold the EWS quota in Janhit Abhiyan (7 November 2022)?

A. 5:0

B. 4:1

C. 3:2

D. 6:1

Answers with explanations

1. **B) Article 29(2)** – It violated Article 29(2), which bars denial of admission to State-maintained or aided institutions on grounds only of religion, race, caste or language.

2. **C) Seven** – A seven-judge bench decided it on 9 April 1951.

3. **A) 6** – Of 14: non-Brahmin Hindus 6, Backward Hindus 2, Brahmins 2, Harijans 2, Anglo-Indians and Indian Christians 1, Muslims 1.

4. **B) S. Muthiah Mudaliar** – S. Muthiah Mudaliar was Education Minister in Dr P. Subbarayan's ministry.

5. **C) 1** – Of 12: non-Brahmin Hindus 5, Brahmins 2, Muslims 2, Anglo-Indians and Christians 2, Depressed Classes 1.

6. **C) 18 June 1951** – It came into force on 18 June 1951 and added Article 15(4).

7. **A) 1 and 2 only** – The Ninth Schedule was created by the First Amendment (1951); the 76th only added the TN Act to it.

8. **B) A. N. Sattanathan** – The first commission was headed by A. N. Sattanathan; report 1970.

9. **B) 49%** – BC 31% + SC/ST 18% = 49%.

10. **C) 50%** – It was raised from 31% to 50%, making the total 68%.

11. **C) 1989** – In 1989, 20% was carved out of the BC 50%.

12. **B) 1990** – Since 1990, when ST 1% was separated; the 1994 Act only protected it.

13. **A) 16 November 1992** – 16 November 1992; several sections of Act 45 of 1994 are deemed in force from this date.

14. **C) 19 July 1994** – 19 July 1994; the 76th Amendment Act is dated 31 August 1994.

15. **A) 257A** – The 76th Amendment (1994) inserted it as entry 257A; 31B is the Article giving protection.

16. **B) Section 4** – Section 4 covers educational institutions; Section 5 covers services.

17. **B) I. R. Coelho** – I. R. Coelho v. State of Tamil Nadu, 11 January 2007, nine judges.

18. **B) 15 March 1993** – Since 15 March 1993 (Policy Note 2024-25).

19. **B) 3.5%** – Act 33 of 2007 – 3.5% within the BC 30%, from 15 September 2007.

20. **B) 3% preferential reservation within the SC 18%** – TN Act 4 of 2009 – 3% preferential within SC 18%; in force from 29 April 2009.

21. **A) a-4, b-3, c-2, d-1** – 33/2007 – BC Muslims; 4/2009 – Arunthathiyars; 45/1994 – 69%; 12/2006 – private institutions.

22. **B) 10.5% / 7% / 2.5%** – Vanniakula Kshatriya 10.5%, MBC/DNC 7%, other MBC 2.5% (Tamil Nadu Act 8 of 2021).

23. **B) Caste can be the starting point but cannot be the sole basis** – The State had competence, but the law was struck down under Articles 14, 15 and 16 for want of a substantial basis.

24. **C) 15(6) and 16(6)** – Articles 15(6) and 16(6) – up to 10% for EWS.

25. **C) 3:2** – The five-judge bench upheld it by 3:2.

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