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# SC strikes down 10.5% reservation within MBCs for Vanniyars in Tamil Nadu

Upholding the HC judgement, a bench of Justices L Nageswara Rao and B R Gavai said it is of the opinion that the law did not provide any substantial basis to treat Vanniyar as a separate group compared to others among MBCs.



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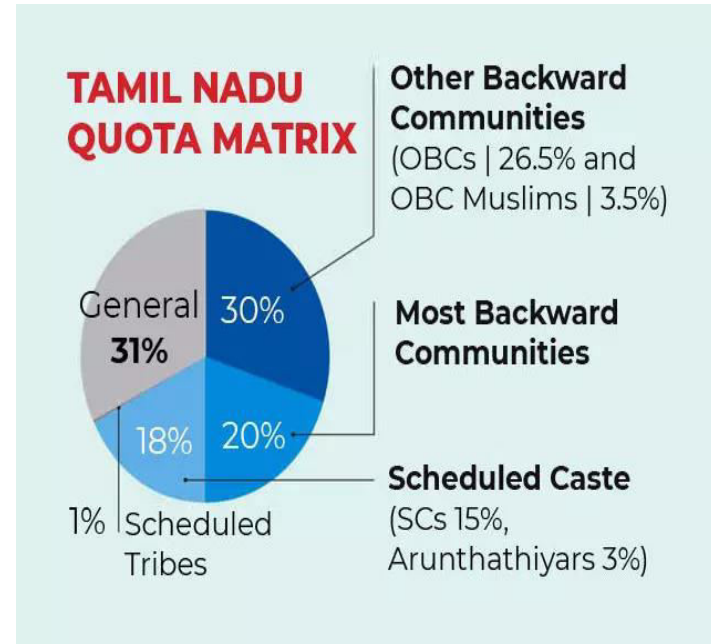


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# Background

- Last year in Feb 2021, just before the assembly elections, The Special Reservation Act of 2021, was enacted by the AIADMK government in consultation with **Tamil Nadu Backward Classes Commission Chairperson Justice (retired) M. Thanikachalam**, which scooped 10.5% of the total 20% MBC quota for Vanniyakula Kshatriyas alone, citing their "extreme backwardness".
- After elections, current TN **CM MK Stalin** cleared the implementation of 10.5 per cent reservation for the Vanniyar community in admissions and government jobs.



# Who are Vanniyars?

- Vanniyar or Vanniya are a community found in the northern part of Tamil Nadu mainly concentrated in **Chengalpattu, Vellore, Thiruvananthamalai, Villupuram, Dharmapuri & Salem.**
- Vanniyars are considered as one of the **largest and most consolidated backward communities in Tamil Nadu.** Vanniyars form around 25% population of Tamil Nadu.



# Vanniyar Movement

- Vanniyars consolidated themselves in 1980s and raised massive protests in the mid-1980s demanding 20% reservation in the state, and 2% in central services.
- Their movement was backed by the Justice Party as well as the Self-Respect Movement. Organised protests began with the formation of Vanniyar Sangam, headed by S Ramadoss who later founded the political party PMK (Pattali Makkal Katchi).
- Apparently in 1986 activists sent hundreds of letters and telegrams to then CM M G Ramachandran. There was no response from MGR and the then Rajiv Gandhi government.
- The protesters started demonstrations in community strongholds, then went on to blockading rail and road traffic. In May 1986 movement brought traffic in the entire state to a halt, and thousands were arrested.

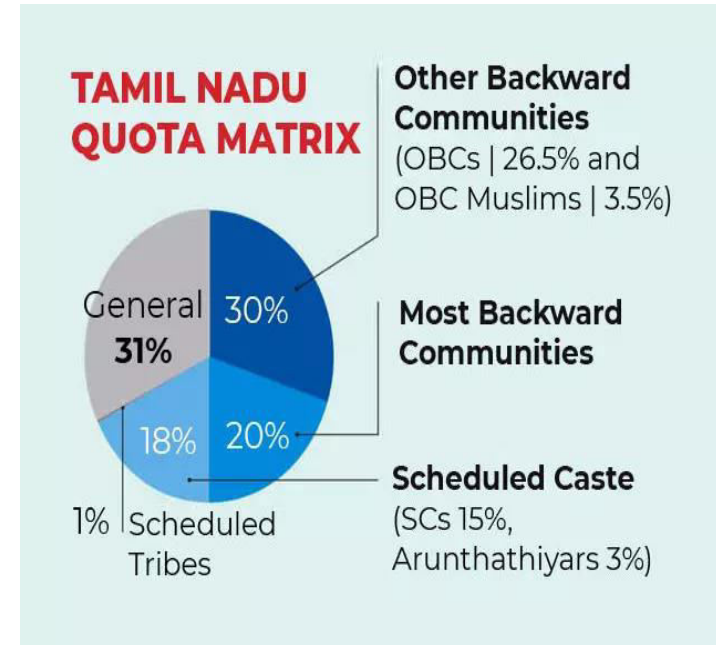
# Vanniyar Tragedy

- The Vanniyars had declared an agitation from September 17 to 23, 1987, which turned violent.
- Around 21 protesters were killed, mostly in police firing and clashes with members of other Scheduled Caste communities.
- This incident shook the entire state establishment. No immediate solution emerged.
- CM MGR died three months later in December 1987, leaving the question of reservation of vanniyars open.



# Reservation & Politics then..!!

- In 1989, DMK came to power. **The government headed by M Karunanidhi announced the reservation for Vanniyars.**
- The OBC quota was split into two:
  - Backward Castes
  - Most Backward Castes
- **The Vanniyars were categorised among the MBCs with 115 other communities with 20% reservation.**



# Reservation & Politics now...!!!

- In 2021, on February 26, just hours before the model code of conduct kicked in ahead of the elections, the then AIADMK government headed by E Palaniswami pushed through the 10.5 per cent quota Bill for the Vanniyar community in the legislative assembly.
- Clearly, E Palaniswami's move was appease Vanniyars ahead of the 2021 polls.
- This move was heavily criticised later by the AIADMK camp led by O Panneerselvam, who belongs to another powerful backward community, Thevars.
  - The rival group claimed that the pro-Vanniyar announcement not only failed to help AIADMK in the polls but also turned other backward communities against the government.



# *Reservation & Politics now...!!!*

- The reservation for Vanniyars has been a long-standing demand of the **Pattali Makkal Katchi** for **20 per cent quota in government jobs and education for the community members**.
- The reservation is based on the argument that their **community accounts for 25 per cent of the state population but got about 8 per cent representation in the reservation system**.
- The new **DMK** government after coming to power endorsed the previous **AIADMK** government's decision to give exclusive **10.5% reservation to vanniyars and notified its implementation**.

# Reservation & Politics now...!!!

In November 2021, a bench of Madras HC held that the 2021 law, passed by the AIADMK government the day state elections were announced, **was illegal because of a lack of quantifiable data to measure the “extreme backwardness” of the Vanniyars.**

It was challenged in the apex court.

The screenshot shows the Hindustan Times website interface. At the top, there's a dark blue header with the HT logo and the text "Hindustan Times". Below the header, there's a navigation bar with links for World, Cities, Entertainment, Cricket, Lifestyle, and Astrology. A secondary navigation bar includes links for Trending, Web Stories, Omicron, Elections, Following (marked with a red "NEW" badge), and Photos. The main content area displays a breadcrumb trail: Home / India News / Madras HC quashes 10.5% Vanniyar quota, says Tamil Nadu ... Below this, the section "INDIA NEWS" is highlighted. The headline reads: "Madras HC quashes 10.5% Vanniyar quota, says Tamil Nadu law unconstitutional". The sub-headline states: "A bench of justices M Duraiswamy and K Murali Shankar held that the 2021 law, passed by the previous All India Anna Dravida Munnetra Kazhagam (AIADMK) government the day state elections were announced, was illegal because of a lack of quantifiable data to measure the “extreme backwardness” of the Vanniyars".

# Reservation & Politics now...!!!

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## Supreme Court strikes down Tamil Nadu's 10.5% Vanniyar quota



Krishnadas Rajagopal

NEW DELHI MARCH 31, 2022 13:35 IST

UPDATED: APRIL 01, 2022 00:14 IST

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# *What did the SC say?*

- The Supreme Court has confirmed that the grant of 10.5% internal reservation to **Vanniyakula Kshatriya community violates the fundamental rights of equality, non-discrimination and equal opportunity of 115 other most backward communities (MBCs) and de-notified communities (DNCs) in Tamil Nadu.**
- SC observed that the allotment of 10.5% reservation to a single community from within the total **MBC quota of 20% in the State, leaving only 9.5% to 115 other communities in the MBC category, was without "substantial basis".** The reservation afforded to the community under the 2021 Act was based on "antiquated data".

# What does this mean?

- **Can state govts give reservations?**
  - The judgment will not have any impact on this. Legislative competence of the State to enact a law sub-classifying and apportioning percentages within identified backward classes is intact. There is no bar to the sub-classification among backward classes.
- **Can Caste be sole parameter?**
  - Caste can be the starting point for providing internal reservation but it is incumbent on the State Government to justify the reasonableness of the decision and to demonstrate that caste is not the sole basis.
- **Can population be sole parameter?**
  - Population was made the sole basis for recommending internal reservation for Vanniyakula Kshatriya, which is directly in violation with the law laid down by this court.
- **69% Reservation in TN?**
  - The court found that the 2021 Act was only an ancillary legislation to the 1994 Act which gave 69% reservation to backward classes. It was not in conflict with the latter. Placing of the 1994 Act in the Ninth Schedule cannot also operate as a "hurdle" for the State legislature to enact a legislation on matters ancillary to the 1994 Act.