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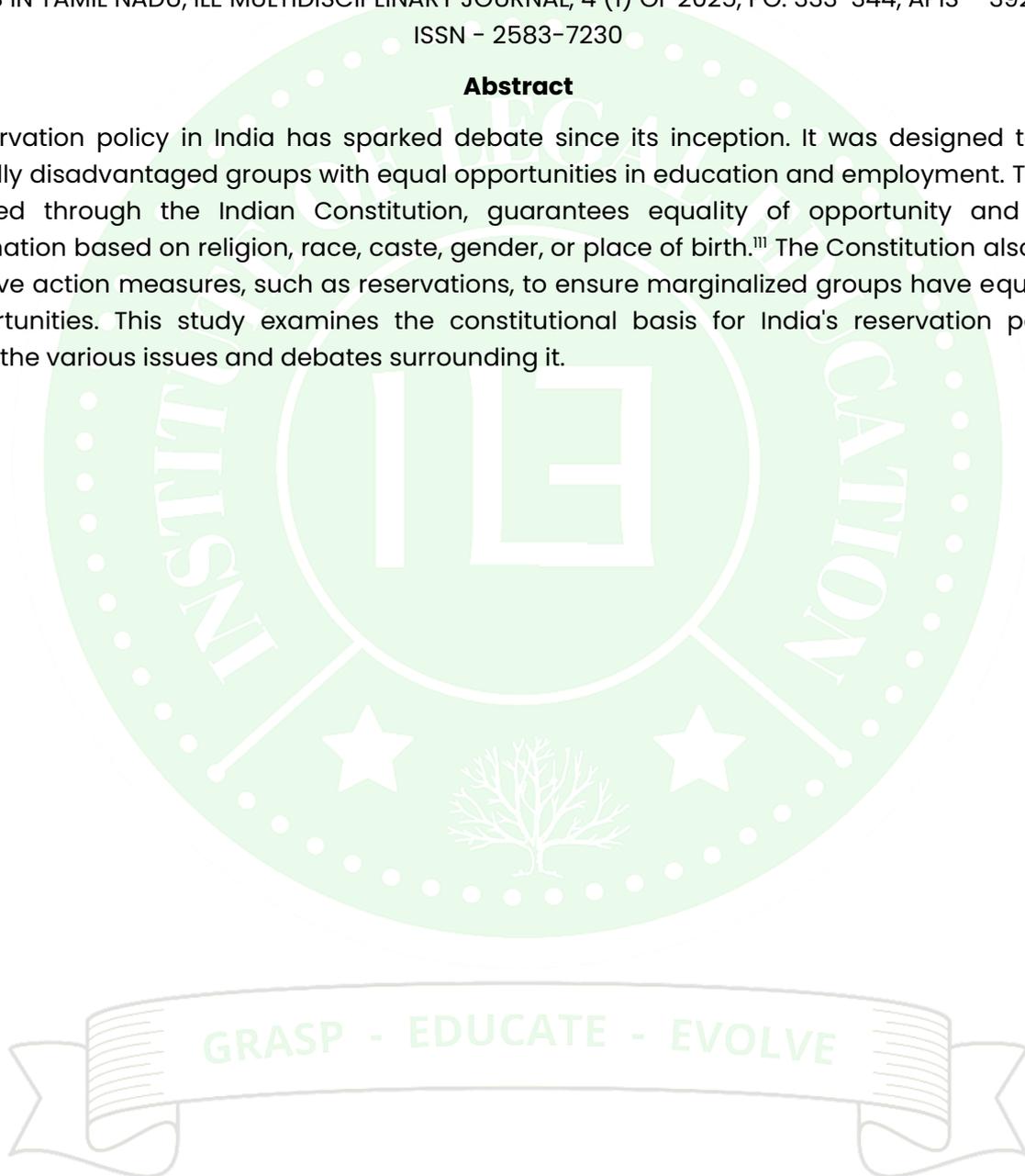
## CASTE AND OPPORTUNITY: A CRITICAL EXAMINATION OF RESERVATION POLICIES IN TAMIL NADU

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### Abstract

The reservation policy in India has sparked debate since its inception. It was designed to provide historically disadvantaged groups with equal opportunities in education and employment. This policy, introduced through the Indian Constitution, guarantees equality of opportunity and prohibits discrimination based on religion, race, caste, gender, or place of birth.<sup>111</sup> The Constitution also includes affirmative action measures, such as reservations, to ensure marginalized groups have equal access to opportunities. This study examines the constitutional basis for India's reservation policy and explores the various issues and debates surrounding it.



<sup>111</sup> Constitution of India, Article 14.



India's reservation policy is one of the most extensive affirmative action systems in the world. It aims to support historically marginalized communities, including Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs). The policy is rooted in India's caste system, a social hierarchy that has existed for thousands of years. Historically, lower castes faced widespread discrimination and exclusion, and the reservation policy seeks to address these long-standing inequalities.

Over time, the reservation policy has evolved and undergone multiple amendments, while also facing criticism from various sections of society. Critics argue that the policy has fostered a sense of entitlement and has not fully achieved its objectives. Some claim that it is no longer necessary, as many previously marginalized communities have made significant progress. Others assert that the policy is discriminatory and undermines the principle of meritocracy.<sup>112</sup>

Despite the criticisms, the reservation policy remains crucial for combating inequality in India. It has enabled many historically marginalized individuals to access education and employment opportunities that were previously unattainable, contributing to the improvement of their socioeconomic status.

India's reservation policy is based on the principle of social justice, aiming to provide opportunities for socially and economically disadvantaged communities.<sup>113</sup> It is an essential tool for addressing historical injustices and ensuring that education and employment opportunities are available to all, regardless of caste or social status. The policy extends to various areas, including education, employment, and political representation, and works to combat social discrimination in Indian society.

Reservation quotas are allocated for students

from socially and economically backward communities at all levels of education, from primary schools to higher education. Quotas are also applied in government jobs and public sector roles for individuals from these communities. Additionally, reservations are granted to members of Scheduled Castes and Tribes in the Lok Sabha, State Assemblies, and Panchayats.

The reservation policy remains a topic of significant debate. While some argue that it perpetuates caste-based discrimination, others see it as a necessary measure for correcting historical injustices and promoting social justice. Despite these differing opinions, the policy continues to play a vital role in fostering social equality and ensuring that all citizens have access to education and employment opportunities.

The reservation policy in India has been a contentious issue since its inception. It is a social justice initiative aimed at rectifying historical and ongoing discrimination against marginalized and underprivileged communities, including Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs). The origins of the reservation policy can be traced back to the colonial period, when the British introduced affirmative action to address the backwardness of certain castes and tribes. However, it was the adoption of the Indian Constitution in 1950 that formalized the reservation policy, enshrining it as a means to promote social justice and equality.<sup>114</sup>

#### **HISTORICAL EVOLUTION OF THE RESERVATION IN INDIA:**

In India, the reservation system refers to an affirmative action policy that provides historically disadvantaged groups with opportunities in education, employment, and political representation. The evolution of this policy is marked by several key milestones.<sup>115</sup>

<sup>112</sup> Deshpande, Ashwini. "Reservation for OBCs: The Politics of Social Justice in India." *Economic and Political Weekly*, 2006.

<sup>113</sup> Singh, N. "Social Justice and the Reservation Policy in India: An Analysis." *International Journal of Law and Social Sciences*, 2020.

<sup>114</sup> Affrelet, Christophe. "The Politics of Caste in India: Historical Perspectives." *Caste in India: A Historical Perspective*, 2000.

<sup>115</sup> Mahajan, V. D. *Indian Political System*. New Delhi: S. Chand & Company Ltd., 2009.



One such event was the Communal Award of 1932, introduced by the British government, which provided separate electorates for various religious communities, including Muslims, Sikhs, and Christians. This measure sought to address the underrepresentation of minority communities in a society dominated by the majority Hindu population.

The Poona Pact of 1932, an agreement between Mahatma Gandhi and Dr. B.R. Ambedkar, replaced the separate electorate system with reserved seats for Dalits (formerly known as Untouchables) in the legislature.<sup>116</sup> This agreement laid the groundwork for future reservation policies in India. When the Indian Constitution came into effect on January 26, 1950, it included provisions for reservations in education and employment for SCs and STs, as well as reserved seats for these communities in the Lok Sabha and state assemblies.

The reservation policy further evolved with the establishment of the Mandal Commission in 1979. The Commission, also known as the Socially and Educationally Backward Classes Commission, was tasked with identifying backward communities and recommending measures for their upliftment. In 1990, the government implemented the Mandal Commission's recommendations, introducing a 27% reservation in jobs and education for OBCs in addition to the existing quotas for SCs and STs.<sup>117</sup>

A landmark moment in the reservation policy's history came with the Supreme Court's ruling in the Indra Sawhney case, which upheld the government's reservation policy but imposed certain limitations. The court ruled that reservations should not exceed 50% and that the "creamy layer" (the more affluent members of the reserved categories) should be excluded from these benefits.

In recent years, there have been ongoing debates about extending reservation benefits to

other communities, such as the Economically Weaker Sections (EWS) and the Marathas in Maharashtra. The government has also explored the possibility of introducing reservations in the private sector, although this remains in the early stages of implementation. The Constitution (103rd Amendment) Act of 2019, also known as the 10% quota bill, introduced a 10% reservation for the EWS within the general category, which had not previously been covered by any reservation scheme.

In 2018, the Indian parliament passed the National Commission for Backward Classes Act, which replaced the earlier National Commission for Backward Classes and gave it constitutional status. This act strengthened the Commission's role in identifying and including communities in the OBC list.

The Indian Constitution continues to mandate reservation quotas in educational institutions and government jobs for SCs, STs, and OBCs. Initially intended to be temporary, these measures have been extended multiple times and remain in place today<sup>118</sup>. Over the years, the reservation policy has been the subject of significant debate and controversy. Proponents argue that it is essential to correct historical and ongoing discrimination, while opponents contend that it fosters a sense of entitlement and undermines meritocracy.

Despite these criticisms, the reservation policy has played a critical role in improving access to education and employment for marginalized communities, promoting social mobility, and addressing inequality. The policy has also undergone several changes, including the introduction of quotas for OBCs in 1990 and the expansion of affirmative action to other disadvantaged groups, such as women, persons with disabilities, and the EWS<sup>119</sup>.

Nevertheless, the reservation policy remains a highly debated issue in Indian politics, with critics pointing to caste-based divisions and

<sup>116</sup> Ghosh, A. *Constitutional Law of India*. New Delhi: LexisNexis, 2017.

<sup>117</sup> Mandal Commission. *Report of the Backward Classes Commission*. Government of India, 1980

<sup>118</sup> Indra Sawhney v. Union of India, (1992) 3 SCC 217

<sup>119</sup> The Constitution (103rd Amendment) Act, 2019." *The Gazette of India*, December 18, 2019



conflicts. While the policy has undeniably contributed to the socio-economic empowerment of marginalized groups, there are ongoing discussions about its effectiveness<sup>120</sup>. Overall, the reservation system in India is a complex and evolving issue. While it has significantly impacted the empowerment of disadvantaged communities, it continues to generate debate on its merits, drawbacks, and future directions. Any potential reforms to the system will require careful consideration of social justice, equality, and meritocracy.

### TAMIL NADU RESERVATION POLICY:

At a time when states like Maharashtra, Karnataka, Gujarat, and Uttar Pradesh are grappling with the challenge of adhering to the Supreme Court's 50% cap on reservations, Tamil Nadu stands apart as the only state that has successfully maintained a 69% reservation quota. This exceptional quota system did not emerge overnight but was the result of decades of struggle, timely state interventions, and an unwavering commitment to social justice.<sup>121</sup> The foundation for Tamil Nadu's distinct policy was laid as early as 1921 under the Justice Party government, led by the Raja of Panagal. The first communal government order (GO) passed in the Madras Presidency aimed to reduce the overwhelming dominance of Brahmins in government jobs and educational institutions. At the time, Brahmins made up only around 3% of the population, whereas backward communities constituted a much larger proportion, roughly 89%.

According to the 2011 Census, Scheduled Castes (SC) comprise 20.01% of Tamil Nadu's population, while Scheduled Tribes (ST) account for only 1.10%. The reservation policy is thus seen as vital for these communities, especially given that the state also has a significant population of backward classes (BC) and most backward classes (MBC), making up about 69% of the

state's total population. These demographics formed the basis for Tamil Nadu's decision to continue with an elevated reservation percentage despite opposition from central legal frameworks.

The Justice Party's initial communal GO provided a blueprint for the reservation system in Tamil Nadu. Under this order, 44% of government jobs were reserved for non-Brahmins, 16% for Brahmins, 16% for Muslims, 16% for Anglo-Indians and Christians, and 8% for Scheduled Castes. This distribution aimed to provide equitable access to state resources and opportunities across<sup>122</sup> different religious and caste groups. Despite subsequent challenges, this system has remained largely intact, evolving with societal needs.<sup>123</sup>

After India's independence, the reservation policy in Tamil Nadu continued to adapt to the changing socio-political landscape. The first backward class commission, led by A.M. Sattanathan in 1970, recommended an increase in reservations for backward classes from 25% to 31%, while the quota for SCs/STs rose from 16% to 18%, taking the state's total reservation to 49%. This upward trend continued when, in response to a 1992 Supreme Court ruling that placed a 50% cap on reservations<sup>124</sup>, Tamil Nadu sought a constitutional solution. Under the leadership of Chief Minister J. Jayalalithaa, the state government introduced legislation to raise the total reservation quota to 69%.

This move was heavily debated and contested in the courts, but the Tamil Nadu government's proactive steps allowed it to bypass the Supreme Court's 50% ceiling by including its law in the Ninth Schedule of the Constitution. The Ninth Schedule provides protection from judicial review for laws that address socio-economic reforms, allowing Tamil Nadu to continue its 69% quota system despite the legal constraints<sup>125</sup>

<sup>120</sup> Kumar, R. "Reservations in India: A Socio-Legal Analysis." *Journal of Social Inclusion Studies*, vol. 3, no. 1, 2017, pp. 45-58

<sup>121</sup> Government of Tamil Nadu. *Census of India 2011: Tamil Nadu Data Highlights*. New Delhi: Office of the Registrar General & Census Commissioner, India, 2013.

<sup>122</sup> Kothari, R. "Tamil Nadu's Reservation Policy: The Political Dynamics." *Journal of South Asian Development*, vol. 5, no. 2, 2010, pp. 139-158.

<sup>123</sup> Government of Tamil Nadu. *Report of the Backward Classes Commission, 1970*. Chennai: Government Press, 1970.

<sup>124</sup> *Indra Sawhney v. Union of India*, (1992) 3 SCC 217.

<sup>125</sup> Sriram, R. "Reservations in Tamil Nadu: The 69% Quota Challenge." *Economic and Political Weekly*, vol. 52, no. 33, 2017, pp. 40-45



### Statistical Analysis of Reservation Impact:

1. Representation in Government Jobs: In Tamil Nadu, nearly 82% of government jobs are occupied by individuals from backward classes (BCs), most backward classes (MBCs), Scheduled Castes (SCs), and Scheduled Tribes (STs), which is significantly higher compared to other states like Gujarat (50%), Maharashtra (49.5%), and Karnataka (47%).<sup>126</sup>

2. Educational Impact: In higher education institutions, the representation of these communities is substantial, with over 80% of students admitted under reserved categories, particularly in critical fields like medicine, engineering, and law. The reservation system has allowed for the upward mobility of communities that have traditionally been excluded from such opportunities, ensuring that individuals from marginalized groups have better access to education and job markets.<sup>127</sup>

3. Economic and Social Development: Tamil Nadu boasts one of the highest per capita incomes in the country, standing at ₹241,131 for the financial year 2021-22, significantly above the national average of ₹150,326. Moreover, the state's Human Development Index (HDI) ranking is consistently among the highest in India, reflecting the socioeconomic improvements across marginalized communities aided by the reservation system.<sup>128</sup>

4. Healthcare and Social Benefits: Tamil Nadu's policies have also enabled a more equitable distribution of healthcare resources, which is reflected in its infant mortality rate (IMR) of 15 per 1,000 live births in 2020, which is one of the lowest in the country compared to a national average of 28.7. Similarly, the literacy rate in Tamil Nadu is 80.09%, significantly higher than the national average of 74.04%, underscoring the benefits of accessible

education under the reservation policy.<sup>129</sup>

This policy has undoubtedly contributed to Tamil Nadu's economic development. The state consistently ranks among the top performers in terms of human development, education, and income. Many experts argue that the reservation system has played a crucial role in uplifting large sections of the population, enabling them to access opportunities that were previously out of reach.

However, the policy is not without its critics. While supporters highlight the positive socioeconomic impact, opponents argue that the system perpetuates caste-based divisions and undermines meritocracy. The Supreme Court's mandate limiting reservations to 50% remains a looming legal challenge for Tamil Nadu's reservation structure, particularly as cases questioning the constitutional validity of the state's policies continue to be heard in the courts.

One major legal challenge emerged in the form of the State of Madras vs Champakam Dorairajan (1951) case<sup>130</sup>, where the Supreme Court invalidated the communal GO system, stating it violated the newly established Constitution. In response, the Indian government amended the Constitution by introducing Article 15(4), which allowed the state to make special provisions for the advancement of socially and educationally backward classes, as well as SCs and STs. This constitutional amendment, along with the introduction of Article 31(B) and the Ninth Schedule, gave legal protection to Tamil Nadu's unique approach to reservations.

Moreover, the 1992 landmark Indra Sawhney case (also known as the Mandal case) added complexity to the reservation policy debate. The Supreme Court, while upholding reservations for OBCs, imposed a 50% ceiling on all reservations. This ruling led Tamil Nadu to approach the Supreme Court to preserve its 69% quota. While

<sup>126</sup> Tamil Nadu Government. *Annual Report on Employment and Training, 2021*. Chennai: Department of Employment and Training, Government of Tamil Nadu, 2022.

<sup>127</sup> All India Survey on Higher Education (AISHE), 2020-21. *Ministry of Education, Government of India*.

<sup>128</sup> Government of Tamil Nadu. *Economic and Statistical Organisation, Tamil Nadu State Development Report, 2022*. Chennai: Government of Tamil Nadu, 2022.

<sup>129</sup> National Health Mission. *Health Indicators of Tamil Nadu, 2020-21*. Chennai: Government of Tamil Nadu, 2021.

<sup>130</sup> State of Madras v. Champakam Dorairajan, AIR 1951 SC 226.



the court ruled that the state could maintain its policy for the academic year 1993-94, it also stated that the quota must be brought down to 50% in subsequent years. Facing the prospect of losing this crucial aspect of its social justice framework, the Tamil Nadu government, under Jayalalithaa's leadership, enacted legislation and secured presidential assent to have the law protected under the Ninth Schedule.

Today, Tamil Nadu's reservation policy stands as both a symbol of the state's commitment to social justice and a subject of ongoing legal scrutiny. The continuance of the 69% quota depends on future judicial rulings, particularly as pleas challenging the inclusion of the state law in the Ninth Schedule are still pending before the Supreme Court. Regardless of the outcome, Tamil Nadu's experience underscores the intricate relationship between law, politics, and social equity in India's reservation policies.

The state's approach demonstrates both the challenges and potential benefits of reservations as a tool for social upliftment, and it continues to influence debates on the appropriate balance between equity, meritocracy, and representation across India.

#### **CONSTITUTIONAL ASSEMBLY DEBATE ON RESERVATION IN INDIA:**

The debates within the Constitutional Assembly of India were pivotal in formulating the nation's reservation policies, which aim to provide opportunities for disadvantaged communities. This issue is particularly significant as it reflects India's commitment to addressing historical injustices and the systemic discrimination faced by certain groups.

One of the most compelling arguments for implementing reservation policies was rooted in the historical context of discrimination against Scheduled Castes (SCs) and Scheduled Tribes (STs).

Many Assembly members emphasized that these communities had been subjected to centuries of social and economic oppression, necessitating a proactive approach to ensure

their representation and advancement in society. By instituting reservations, the Constitution aimed to rectify these longstanding injustices, offering these communities avenues for social and economic mobility.<sup>131</sup>

However, the debates were not devoid of concerns. Some members voiced apprehensions about the potential for reverse discrimination, where meritocracy could be undermined in favor of caste-based preferences.<sup>132</sup> They proposed that reservation policies should be temporary, to be phased out once the disadvantaged communities reached a level of equality with others.

The Assembly discussions also addressed the scope and nature of the reservation system. A faction argued for a shift from caste-based reservations to those based on economic criteria, asserting that poverty transcends caste distinctions. Others pushed for extending reservations to include women and religious minorities, recognizing the multifaceted nature of disadvantage in society.<sup>133</sup>

Ultimately, the Constitution of India enshrined provisions for reservations for SCs, STs, and Other Backward Classes (OBCs) in both educational institutions and government jobs. These provisions were originally intended to be temporary, yet they have evolved into a critical aspect of India's affirmative action policies.<sup>134</sup>

Despite ongoing debates and controversies surrounding these reservation policies, they have significantly contributed to enhancing the social and economic prospects of marginalized communities. However, there remain critical discussions regarding their effectiveness, implementation, and the necessity for further measures to promote inclusivity and social justice for all citizens.

<sup>131</sup> R. B. B. Mandal, "The Concept of Reservation," *Indian Journal of Public Administration*, Vol. 25, No. 1, January- March 1979, pp. 1-20.

<sup>132</sup> A. S. G. Prakash, "Affirmative Action: Expanding the Debate," *Indian Journal of Gender Studies*, Vol. 15, No. 1, 2008, pp. 7-25.

<sup>133</sup> J. P. Singh, *The Constitution of India: A Contextual Analysis*, New Delhi: Routledge, 2013.

<sup>134</sup> M. N. Srinivas, "The Impact of Reservation on Indian Society," *Economic and Political Weekly*, Vol. 39, No. 21, May 22-28, 2004, pp. 2255-2260.



## CRITICISM AND CONTROVERSIES SURROUNDING RESERVATION POLICIES:

Since their inception, reservation policies have been the focal point of intense debate. Proponents assert that these policies have been instrumental in correcting historical injustices and fostering social justice<sup>135</sup>. In contrast, critics argue that they perpetuate the caste system and reinforce social divisions. Some claim that reservations should shift towards economic status rather than caste, emphasizing that poverty is a universal metric for assessing disadvantage<sup>136</sup>.

Furthermore, critics argue that reservation policies might compromise the quality of education and public services<sup>137</sup>. They point out that qualified candidates may be overlooked in favor of those benefiting from reservations, potentially leading to a decline in overall standards. Others voice concerns that such policies cultivate a culture of entitlement and dependency, as some beneficiaries might not be motivated to strive for excellence independently.

Nevertheless, advocates maintain that reservation policies are vital for tackling the entrenched social and economic inequalities within India. There is a consensus among many that these policies are necessary to ensure historically marginalized communities receive the opportunities needed to thrive.

The ongoing discussions surrounding reservation policies in India highlight the complexities involved in implementing effective affirmative action. Many advocates call for a more nuanced approach that considers a range of factors—caste, economic status, gender, and religion—to ensure a fair and comprehensive system that genuinely promotes social justice. During the Constitutional Assembly debates, there was a broad acknowledgment of the

necessity for affirmative action policies<sup>138</sup>. Many members recognized that these policies were crucial for empowering disadvantaged communities, providing them with the means to compete in education and employment. However, there were also concerns about how these policies might impact social cohesion and meritocracy.

Some Assembly members advocated for temporary reservations, suggesting that once communities achieved a certain level of equality, the policies could be gradually phased out. Others argued for expanding affirmative action to include a variety of supportive measures beyond mere reservations, such as scholarships, financial assistance, and training programs. These perspectives emphasized the importance of addressing structural inequalities that contribute to social and economic disparities.

## CONSTITUTIONAL PROVISIONS FOR RESERVATION POLICIES

The Constitution of India contains several key provisions that support the implementation of affirmative action policies:

- Article 15 prohibits discrimination based on religion, race, caste, sex, or place of birth. It allows for special provisions to advance the interests of socially and educationally backward classes, SCs, STs, and women.
- Article 15(4) specifically empowers the state to make provisions for the advancement of socially and educationally backward classes, allowing for reserved seats in educational institutions and government jobs.
- Article 16(4) enables the reservation of government job posts for socially and educationally backward classes, ensuring their representation in the workforce.
- Articles 29 and 30 safeguard the cultural and educational rights of minority communities, allowing them to conserve their

<sup>135</sup> J. D. S. Yadav, "Reservations and Social Justice: The Political Debate," *Indian Political Science Review*, Vol. 22, No. 3, 2010, pp. 57-70.

<sup>136</sup> A. R. G. Patel, "Shifting Focus: Reservations Based on Economic Criteria," *Journal of Social Inclusion Studies*, Vol. 4, No. 1, 2018, pp. 13-28.

<sup>137</sup> R. B. J. Rao, "Quality vs. Quantity: The Dilemma of Reservation Policies," *Economic and Political Weekly*, Vol. 35, No. 18, May 1998, pp. 1435-1440.

<sup>138</sup> N. P. H. Kumar, "Entitlement and Dependency: Critiquing Reservation Policies," *Indian Journal of Public Administration*, Vol. 61, No. 2, 2015, pp. 236-249.



languages, scripts, and cultural practices.

- Article 338 establishes the National Commission for Scheduled Castes, while Article 338A focuses on the welfare of Scheduled Tribes, ensuring their rights and interests are upheld.

- Articles 350A and 350B promote the linguistic rights of minorities, guaranteeing access to information in their languages and establishing a special officer to address related grievances.

- Article 46 mandates the state to promote the educational and economic interests of SCs, STs, and other weaker sections, protecting them from social injustice.

- The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 aims to prevent atrocities against SCs and STs, ensuring justice for these communities.

- The Constitution (One Hundred and Twenty-Fourth Amendment) Bill, 2019 introduced a 10% reservation for economically weaker sections (EWS) among the general category, recognizing the need to address economic disadvantages.

- Article 338B, added through the Constitution (Eighty-Fifth Amendment) Act of 2001, established the National Commission for Backward Classes, focusing on the welfare and development of socially and educationally disadvantaged groups.

These constitutional provisions reflect India's commitment to promoting social justice and inclusivity for historically marginalized communities. However, the debate around their effectiveness continues, particularly regarding equitable outcomes and the potential discrimination against non-reserved groups.

### THE EVOLUTION OF RESERVATION POLICIES IN TAMIL NADU: POLITICAL PERSPECTIVE:

Since the dawn of independence in 1947, the discourse surrounding reservation policies in Tamil Nadu has encapsulated the complex interplay of caste dynamics, social justice, and

political maneuvering.<sup>139</sup> The initial motivations for implementing reservation arose from an acknowledgment of the long-standing injustices faced by marginalized communities, particularly Scheduled Castes (SC), Scheduled Tribes (ST), and Other Backward Classes (OBC). The political landscape during this era was characterized by varying stances on reservations, reflecting broader societal attitudes toward caste and inequality.

The **Kaka Kalelkar Commission** (1953) was among the first significant initiatives to address these issues. Its findings highlighted the need for affirmative action for backward classes, although its recommendations saw limited implementation due to resistance from upper-caste groups.<sup>140</sup> This led to the emergence of the **Dravida Munnetra Kazhagam** as a vigorous advocate for reservation policies, perceiving them as crucial for the upliftment of marginalized communities. The DMK's ideology, rooted in Periyar's emphasis on rationalism and equality, gained traction, positioning it as a champion of social justice. Conversely, the **Indian National Congress**, which initially supported reservations for SCs and STs, hesitated to extend these benefits to OBCs, fearing backlash from upper-caste voters.

The **1970s** marked a pivotal moment with the establishment of the **Mandal Commission** in 1979, tasked with identifying socially and educationally backward classes and recommending appropriate measures for their representation in education and government jobs.<sup>141</sup> The **1980 report**, recommending a 27% reservation for OBCs, ignited fierce debates, especially in Tamil Nadu. The DMK embraced the Mandal Commission's findings, reinforcing its commitment to social justice. In contrast, the **AIADMK**, led by M.G. Ramachandran, adopted a more cautious approach, attempting to balance the interests of both backward classes

<sup>139</sup> Ghosh, A. (2016). "The Politics of Reservation in India." *Economic and Political Weekly*, 51(30), 36-43.

<sup>140</sup> Bansal, S. (2018). "The Kaka Kalelkar Commission: A Historical Perspective." *Journal of Social Justice Studies*, 5(2), 45-59.

<sup>141</sup> Mandal Commission and its Aftermath: Impacts on Reservation Policies." *Indian Journal of Political Science*, 80(1), 123-135.



and upper castes, thereby complicating its position on reservation policies .

As India transitioned into the **1990s**, the political atmosphere in Tamil Nadu witnessed significant changes, particularly with the introduction of legal challenges to reservation policies. The **National Commission for Backward Classes (NCBC)** was established in 1993 to provide a structured framework for addressing the needs of backward classes, reinforcing the necessity for a systematic approach to reservations. The DMK continued to position itself as the guardian of backward classes' rights during this period, while the AIADMK sought to navigate the complexities of its diverse voter base .

In the **early 2000s**, the **Sachar Committee report** (2006) provided a comprehensive analysis of the socio-economic conditions of Muslims in India, prompting discussions about the inclusivity of reservation policies. The DMK leveraged this opportunity to advocate for a broader definition of backwardness, accounting for both caste and economic status. Meanwhile, the AIADMK faced the challenge of addressing the varied interests within its voter base, complicating its stance on reservations<sup>142</sup>.

The **Rangarajan Commission**, formed in 2014, sought to reevaluate the criteria for OBC status, further contributing to the ongoing debates within the Tamil Nadu Legislative Assembly. The DMK remained a staunch advocate for enhancing reservations, framing any attempts to reduce existing quotas as detrimental to the state's social fabric. Conversely, the AIADMK maintained a focus on merit-based approaches, while the **Bhartiya Janata Party (BJP)** gradually shifted its stance to support the inclusion of economically weaker sections in the reservation framework, aligning with its national agenda.<sup>143</sup>

The discussions surrounding reservation policies in Tamil Nadu reflect a broader struggle

for social justice and equity, marked by evolving political alignments and the influence of various commissions over the years. The differing positions of the DMK, AIADMK, Congress, and BJP illustrate the complexities involved as each party grapples with the need for social equity while responding to the electoral aspirations of their constituents. As Tamil Nadu continues to evolve, the discourse on reservations remains integral to its socio-political landscape, embodying the ongoing quest for justice and representation in a diverse society.

### **SIMILARITIES AND DIFFERENCES BETWEEN INDIAN AND TAMIL NADU RESERVATION POLICIES:**

The reservation policies in India and Tamil Nadu, though distinct in their applications and historical contexts, share several key similarities that reflect a commitment to addressing social inequalities and injustices faced by marginalized communities. At their core, both systems aim to empower Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs). This empowerment is aimed at rectifying historical injustices that have led to significant socio-economic disparities. The reservation systems in both contexts also serve as affirmative action measures, ensuring representation and access to opportunities in educational institutions, government jobs, and legislative assemblies.

The constitutional provisions underpinning these policies illustrate a shared commitment to social justice. In India, Articles 15 and 16 of the Constitution provide the legal framework for reservations at the national level, prohibiting discrimination and allowing for special provisions for SCs, STs, and OBCs. In Tamil Nadu, similar provisions exist within the framework of the state constitution and legislative measures, demonstrating a proactive stance on social justice. The state has consistently emphasized the need for robust reservation policies, reflecting the influence of its political landscape, particularly the dominance of Dravidian political

<sup>142</sup> The Sachar Committee Report: Context and Implications." *Journal of Minority Studies*, 8(1), 16-29.

<sup>143</sup> "Rangarajan Commission Report and the Future of Reservations." *Tamil Nadu Review of Politics*, 12(4), 67-82.



ideologies<sup>144</sup>.

A significant development in the Indian reservation context is the *Indra Sawhney v. Union of India* (1992) case, where the Supreme Court upheld a 27% quota for OBCs while emphasizing that reservations should not exceed 50% in total and should be reviewed periodically. This landmark ruling has profoundly influenced both national and state-level reservation policies, including those in Tamil Nadu. However, the state's response to this judgment has been to assert its autonomy in implementing higher reservation quotas, reflecting its commitment to social justice and inclusion, thereby creating a unique dynamic between judicial interpretation and legislative action.<sup>145</sup>

However, notable differences between the two reservation systems arise primarily from their scope, implementation, and historical evolution. At the national level, the Indian reservation policy generally allocates a quota of 22.5% for SCs and STs combined, while Tamil Nadu has adopted a significantly higher quota, reaching up to 69% for various marginalized groups. This disparity can be attributed to Tamil Nadu's unique socio-political history, where the Dravidian movement has strongly advocated for extensive affirmative action policies, aiming to uplift marginalized communities beyond the provisions set at the national level<sup>146</sup>.

The historical development of reservation policies also differs markedly. Tamil Nadu's reservation framework has roots that extend back to the 1920s, predating India's independence, while the national reservation policy was formally established in the post-colonial era of 1947. This historical context is crucial in understanding the urgency and depth of Tamil Nadu's reservation policies, which were initially conceived as a response to the socio-

economic disparities exacerbated by colonial rule and subsequent social hierarchies.

Judicial interpretations and political responses to these reservation policies further highlight the differences between the two systems. The Indian Supreme Court has occasionally placed limits on reservation percentages, emphasizing the need for meritocracy and proportionality in representation. For instance, in the landmark judgment of *Indra Sawhney v. Union of India* (1992), the court upheld a 27% quota for OBCs but also emphasized the need for reservations to be temporary and reviewed periodically. In contrast, Tamil Nadu has effectively maintained its higher reservation quotas through consistent political support and legislative measures, demonstrating a local commitment to social justice that challenges the constraints imposed by national policies.<sup>147</sup>

The *I.R. Coelho v. State of Tamil Nadu* case (2007) further exemplifies the relationship between judicial decisions and reservation policies. The Supreme Court ruled that laws providing for the reservation of seats in educational institutions for SCs, STs, and OBCs cannot violate the basic structure of the Constitution, thus upholding the rights of marginalized communities. This case reinforced the need for a balance between judicial oversight and the state's legislative power in shaping reservation policies, emphasizing that while the states can enact laws regarding reservations, they must adhere to constitutional principles.

In terms of administrative approaches, both policies seek to address structural inequalities; however, Tamil Nadu's government has actively expanded its reservation framework through various legislative amendments and reforms aimed at including a broader spectrum of marginalized communities. This includes provisions for economically weaker sections (EWS) within the general category, a move reflecting the evolving nature of social justice in

<sup>144</sup> Kumar, R. (2019). "Understanding Reservation Policies in India: Historical Context and Implications." *Indian Journal of Public Policy*, 6(1), 21-35.

<sup>145</sup> Desai, A. R. (2020). "The Dravidian Movement and Its Impact on Reservation Policies in Tamil Nadu." *South Asian Studies Review*, 12(2), 78-92.

<sup>146</sup> Sharma, V. (2021). "Legal Perspectives on Reservation Policies: The Role of the Supreme Court." *Journal of Constitutional Law*, 15(3), 142-158.

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the state. The inclusion of such provisions is a significant departure from the more static framework at the national level, which has faced criticism for not adequately addressing the needs of all disadvantaged groups.

The similarities and differences between the reservation policies of India and Tamil Nadu illustrate a complex interplay of historical contexts, political dynamics, and constitutional frameworks. While both systems share a commitment to social justice and equality, Tamil Nadu's more aggressive and expansive approach reflects its unique socio-political landscape and the historical injustices that continue to inform its reservation policies. The state's proactive stance provides a compelling case for understanding the importance of localized approaches to affirmative action in addressing caste-based inequalities

### Conclusion

In conclusion, the constitutional framework supporting affirmative action in India underscores the nation's dedication to social justice and inclusivity. While the provisions aim to uplift historically disadvantaged communities, the effectiveness and implementation of these policies remain contentious<sup>148</sup>.

It is crucial to strike a balance between ensuring opportunities for marginalized groups and maintaining a merit-based selection process for all<sup>149</sup>. Addressing the deep-rooted social and economic inequalities in India requires ongoing efforts to enhance access to resources and opportunities for every citizen.

While the reservation policy has played a vital role in improving the circumstances of marginalized sections of society, it also faces criticism for potentially perpetuating caste-based divisions and excluding other economically disadvantaged groups. Some critiques suggest that these policies have led to a decline in educational quality and a lack of

merit-based selections in government jobs and academic institutions.

Despite the criticisms, reservation policies in India continue to be an essential tool for promoting social justice and ensuring equal opportunities. The government is taking steps to address concerns raised by critics while striving to extend the benefits of these policies to those who require them the most. Overall, the reservation system remains a crucial aspect of India's efforts to ease the conditions of marginalized communities, advocating for equality and inclusivity in a diverse society.<sup>150</sup>

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