



EXCUSIVE RESERVATION AND SOCIAL JUSTICE IN TAMILNADU – AN OVERVIEW

Dr. S. PUSHPALATHA,

Assistant Professor & Head, Department of History, DDE, Madurai Kamaraj University, Madurai – 625 021, Tamil Nadu.

Introduction

Reservation is one of the mechanisms of protective discrimination for eradicating the present institutionalized effects of past discriminations, through positive governmental steps awarding preferential treatment in favour of certain weaker sections of the society. Reservation is applied only in graded societies, where certain groups enjoyed more powers and privileges, while the other sections have been wholly or partially neglected. It involves encouragement sharing in favour of certain weaker sections of the society. It involves encouragement sharing of opportunities in the executive, legislative bodies, in educational institutions and in public services.¹ The demand by the unprivileged classes to enjoy the same opportunities of the privileged class resulted in social conflict in the earlier stages. In course of time, the unprivileged section came to enjoy social, political and economic and other privileges on par with others.²As per the Constitution of India, it is a temporary phenomenon used for some special achievement. In this research paper, an attempt has been made to highlight exclusive reservation and the changing trend in the reservation policy towards social justice in Tamil Nadu.

Society in Tamil Nadu

Tamil Nadu the southernmost part of Indian Sub-continent is a vast country having heterogeneous population. In ancient Tamilaham, people were divided on the basis of their inhabited lands and related occupations. When the caste system entered into the life of the Tamils, during the medieval days, it turned into a rigid society.³ At present in Tamil Nadu, the society is comprised of thousands of castes and sub-castes. Origin of caste lies in mystery. Consequent to the practice of caste system, there arose another peculiar practice of untouchability. It has been a part of caste system. There were various reasons for the evolution and growth of untouchability. In Indian social structure, birth

determines the caste of a person. In which, occupation plays a vital role. Occupation of each caste was a hereditary one.⁴ During 18th and 19th Centuries social reforms played a vital role to transform the society. Social reforms mainly involve two aspects Viz., education and breaking of the rigidity of certain customs.⁵ Leaders, planners and politicians insisted the power of education for social changes in the country.⁶

Religious Conversion, Introduction of Western Education and Gradual Social Transformation

Under the influence of the Westerners there took place a change in the social structure. Western missionaries started many educational institutions and concentrated on the spreading of their religious faith. They first started conversion work among the untouchable communities. In the Tamil society, communities like the Parayar and the Pulayas were socially untouchables as well as unapproachables and economically they were enslaved. There was no caste consciousness among the people of the coastal areas. Easily, they were converted into Christianity.⁷ Introduction of the western education for the untouchables was a great attempt for social transformation in all aspects.⁸

Always, there is a close relationship between the administrative affairs of the government and the development of education. When the East India Company assumed the political powers of the country, they realized the necessity of English educated Indians.⁹ Hence, for their administrative convenience, the western education was introduced officially to recruit clerical officials and translators in the government offices.¹⁰ The Charter Act of 1813 was a landmark in the annals of the educational history of India, for in that year a sum of not less than one lakh of rupees was allotted for a year to be spent for the progress and promotion of western education in British India.¹¹

British regime fostered economic, political, ideological and educational processes which challenged the age-old prejudices of caste structure of the Indian society. Western education, principle of equality and freedom of social forces conflicted with the existing social order. The orthodox ideals, conservative motives and forces confronted with the new western ideals.¹²

The Government of the East India Company declared in the Honourable Court's Despatch number eight of 2nd February, 1831, that the Government would not recognise caste, creed or any other distinction as a ground of civil disability. All classes or castes were eligible similarly to offices, without considering caste and creed for employment opportunities.¹³

The Britishers had the idea to admit all candidates irrespective of their caste and creed, but practically they found difficulties as the head of the institution happened to be a Brahmin and the pupils were also Brahmins, the other community candidates were not able to get access in the schools and colleges.¹⁴ To remove the disabilities of various castes, the British Government passed Caste Disabilities Removal Act in 1850 to facilitate the out castes to come out from the social barriers.¹⁵

British Attitude towards Brahmin Domination

To eradicate the monopoly of single caste in the educational institutions and employment opportunities the Colonial Government took various efforts. By 1853, the Government found the virtual monopoly of a single caste called Brahmins in public services. For example, in the Madras Presidency the Revenue establishment of Nellore District was managed by 49 Brahmins that was also all from the same family.¹⁶ They were the relatives of the Deputy Sheristadar, Gotoor Venkataramaniah. The Governor of Madras desired the Board of Revenue to take immediate steps to remedy this evil. Accordingly, the Board's Standing Order was issued. It emphasized that appointments should be made from all sections of the population, Collectors should always make efforts to divide the principal appointments in each district among several castes. This order was circulated to all collectorates.¹⁷ While they tried to minimise the domination of Brahmins, the 1857 revolt was broken out. This revolt increased the suspicion of the British over the Brahmins. This led to the instigation of the completely neglected section called Muslims.¹⁸ Further, the enumeration of various castes and groups through the Census survey brought awareness among all kinds of population.¹⁹ People realized their birth rights and privileges. Social reform associations and organizations, social reform leaders and communal leaders emerged to demand the basic rights of the people. Though the Britishers were mainly responsible for awareness, the policy adopted by the British Government was the backbone for creating an integrated society, which is experiencing now.²⁰

Social Reforms and Awakening

The nineteenth century South India witnessed the social reform movements. It was a significant feature of the social history of South India. The movement of Sri Vaikundaswamikal, the SamarasaSuddhaSanmargaSangam of St. Ramalinga, the Depressed Castes Movement under the able leadership of C.AyothidasPandithar and the Self-Respect Movement of E. V.Ramasamy were some of the movements aimed at the social justice to bring social integration of different sections of the people.²¹

The spread of Western ideas like individual freedom, social justice, all are equal before law and equality of opportunity, humanitarianism and so on created awareness among the masses. The tyranny of the Brahminical religion and the age-old practice of untouchability were account for the birth of Temple Entry Movement and the Non-Brahmin Movement in various parts of Southern India, particularly, in the Madras Presidency.²²

Even though the Britishers had undertaken various kinds of efforts, a concrete step had been made by the Morley-Minto Reforms Act of 1909, which introduced separate electorate to the Muslims. Reservation of seats in the electoral constituency was the first Constitutional step to provide an

opportunity for the intercourse of the people along with the Brahmins.²³ Western idea of democracy played a vital role in achieving the fundamental rights.

Justice Party and its Role

The Non-Brahmin movement and the work of the Justice Party mainly directed for the upliftment of the higher sections of the non-Brahmin movement.²⁴ The first Communal G.O. enacted by the Justice Ministry on 16 September 1921, was a great land mark in bringing co-existence of various castes which put the light for social integration. This communal G.O. facilitated the Madras State Government to provide opportunities to the people other than the Brahmins namely, non-Brahmin Hindus, Indian Christians, Anglo-Indians, Mohammedans and Scheduled Castes (Depressed Classes).²⁵ In accordance to communal and social integration, the first Communal G.O. made other castes as beneficiaries. All communal sections were given reservation of seats in employment opportunities. The people those who were completely neglected for many centuries were extended this kind of opportunities. This made them to go together with other castes.²⁶

Communal Award and its Aftermath

The Depressed Classes were socially, educationally and economically weaker due to the age-old social prejudices. They were treated as untouchables, unapproachables and unseeables.²⁷ The Ramsay MacDonald Award or Communal Award of 1932 granted separate electorate to the SCs due to the efforts of Rettamalai Seenivasan and B.R. Ambedkar. Through this policy, the society might have been disintegrated. So, this was opposed by Gandhi, he announced his fast unto death when he was in Yeravada jail. A compromise was undertaken between Gandhi and Ambedkar by signing the Poona Pact.²⁸ The provisions of the Pact were enshrined in the 1935 Act, which gave more number of seats to SCs than the provisions of Separate electorate. Instead of disintegrating the masses through separate electorate, he permitted them to take more number of privileges in the name of reservation of seats for developing integration and peaceful coexistence. It became a conceived and consolidated Constitutional provision for creating an integrated social structure.²⁹

Indian Constitution and Reservation

The Indian Constitution considers India as a single unit and provides equal justice, liberty, equality and fraternity to all the citizens.³⁰ To achieve these objectives, clause (4) of Articles 15 and 16 empower the Governments to make reservation in the educational institutions and employment opportunities.³¹ Article 46 again facilitates the promotion of education and economic interests of SCs, STs and other weaker sections.³²

Further, Art.330 provides facility for reservation to SCs and STs in the House of the People and the Art.332 in the Legislative Assembly of the States.³³ Reservation has been marked in Art.331 for the representation of the Anglo-Indian Community in the House of the People and Art.333 for Legislative Assemblies of the States.³⁴ The Arts. 340, 341 and 342 empower the President for considering the elevation of weaker sections of the population.

Reservation in Tamil Nadu after the First Amendment

As soon as the insertion of the Clause 4 of Arts.15 and 16 which paved the way for the formulation of new reservation scheme in Tamil Nadu. According to the revised policy, 15 per cent of seats were reserved for SCs and STs, 25 percent for BCs and 60 for others.³⁵ After the Re-organisation of States in 1956, on the basis of language, the reservation policy was again revised in proportion to the population of SCs and STs. Accordingly, 16 per cent of seats were reserved for the SCs and STs, the existing 25 per cent was maintained for the Backward Classes and for the open category, it was reduced to 59 per cent.³⁶

First Backward Classes Commission in Tamil Nadu and Reservation

In 1969, a Commission was constituted under the Chairmanship of A.N. Sattanathan to improve the condition of the Backward Classes. The report of the Commission was submitted in 1970. As per the recommendations of the Commission a new reservation system was implemented on 7 June, 1971. Accordingly, 18 per cent of seats were reserved for SCs and STs, for the BCs, it was raised from 25 per cent to 31 per cent and for the open category it was reduced from 59 to 51 per cent.³⁷

Exclusive Reservation to MBCs in Tamil Nadu

In February 1980, the AIADMK Government of Tamil Nadu increased the reservation of seats from 31 to 50 percentage. Thus, the total reservation was increased to 68 per cent (18% to SCs & STs and 50% to BCs).³⁸ After the 1988 Presidential rule, the DMK Party won the election. After assuming power, the DMK Government fulfilled the demands of Vanniars. It granted 20percent exclusive reservation to MBCs and Denotified Communities within the 50 per cent reserved seats of OBCs. They thought that their community would be treated better due to the fixation of 20 per cent of exclusive reservation set apart for them.³⁹ According to a judicial verdict of 1990; one percent of seats was reserved for STs exclusively. So, the opportunities of open category were reduced from 32 to 31 per cent.⁴⁰

Exclusive Reservation to Arunthathiyars (SC(A)) in Tamil Nadu

For the past two decades, scenario has been changing in the reservation policy of Tamil Nadu. In Tamil Nadu, since 1921 this policy has been in practice to achieve the egalitarian form of society. Hence, from 1921 onwards general criteria have been fixed to uplift the depressed and backward section of the society. But for the recent two decades, that trend has been changing in the reservation scheme in Tamil Nadu since developments have occurred among the beneficiaries of reservation scheme. Government has started studying the beneficiaries of the scheme section wise. Such kind of analysis paved the way to identify the most backward groups within the broad categories. One such attempt was made and Arunthathiyars among the Scheduled Castes were identified as non-beneficiaries of the reservation scheme. Accordingly, the then Government of Tamil Nadu enacted an Act, which is called the Tamil Nadu Arunthathiyars Act, 2009 or Tamil Nadu Act 4 of 2009.⁴¹ Subsequently a G.O. was passed with modified roster to enforce the said Act. As per the Act reservation to Arunthathiyars on preferential basis within the reservation available for Scheduled Castes and the said Act came into force with effect from 29th April, 2009.⁴² Here the Arunthathiyars category include the castes Arunthathiyar, Madari, Madiga, Pagadai, Thoti and Adi Andhra within the list of 76 Scheduled Castes notified by the President of India under Article 341 of the Constitution of India by the Constitution (Scheduled Castes) Order, 1950 as amended from time to time. In the 100 points roster 18 per cent seats are reserved for SCs. Among the 18 per cent, exclusively 3 per cent seats are reserved for the Arunthathiyars alone. That too, they are given first preference in the roster. It shall be offered in the rotation of 2, 32 and 66. This reservation is implemented 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.⁴³ It is a welcome move done by the Government of Tamil Nadu. This shows a radical change in the implementation of the reservation policy in Tamil Nadu. The same strategy should be adopted to study and filter the highly benefited section of each category.

Exclusive Reservation to Persons Studied in Tamil Medium

Another drastic change in the reservation scheme was candidates studied in Tamil Medium are given preference for direct recruitments made under the Tamil Nadu State Government by passing a G.O. on 30th November, 2010. Accordingly, 20 per cent of the seats are allotted in the direct recruitments for Persons Studied in Tamil Medium (PSTM) in the respective reserved category. For which the Government released the roster along with the G.O.⁴⁴ Subsequently an Act was enacted and it is known as Act No. 40 of 2010.⁴⁵ In 2014, the then Governor of Tamil Nadu made the amendments to recruit the Persons Studied in Tamil Medium on preferential basis and it was given effect thereby in the services under the State of Persons Studied in Tamil Medium.⁴⁶

Exclusive Reservation to Students Studied in Tamil Medium Government Schools

Another similar change was preferential treatment has been applied in the professional education also. A G.O. was passed in 2020 to reserve 7.5 per cent seats on preferential basis, to the students who have studied from sixth to twelfth standard in the State Government schools, in the admission to M.B.B.S., B.D.S., B.S.M.S., B.A.M.S., B.U.M.S. and B.H.M.S. courses provided they qualified in the National Eligibility-cum-Entrance Test (NEET). This shall be provided in each category of vertical reservation followed in the State of Tamil Nadu within the 69% reservation from the academic year 2020-2021.⁴⁷ In the subsequent year, an Act was passed to provide for preference in admission to undergraduate professional courses in Universities, Government colleges and Private colleges for the students who studied in Government schools. Accordingly, 7.5 per cent of the seats are reserved for them in all under graduate professional courses in Tamil Nadu in their respective category.⁴⁸

Conclusion

The cardinal aim of reservation policy is to break the caste rules and regulations and to bring all the people together for social intercourse in all walks of life. It enables the downtrodden sections to get their due share in the educational institutions, public employment opportunities and legislative bodies. It has been helping the suppressed people to have a standard life and make their livelihood more than a century in Tamil Nadu. Definitely reservation policy played a vital role along with allied schemes in Tamil Nadu. More than 2000 years old rigid caste institution became a flexible one. In Tamil Nadu, as analysed above now and then beneficiary groups have been studied and exclusive reservation has been introduced in existing reserved groups. This shows that instead of filtering the benefited groups in the reserved category, the State Government identified the backward among the reserved category by adopting various strategies and criteria. It is a great transformation in the caste based reservation policy and a boost towards the aim to achieve social justice.

Endnotes

1. Anirudh Prasad, *Reservation Policy and Practice in India, A Means to an End*, New Delhi, 1991, pp. 5-7.
2. *Ibid.*
3. Mahalingam, T.V., *Administration in Social Life under Vijayanagar*, Part – II, Madras, 1975, pp. 14-28.
4. Pillai, K.K., *Studies in the History of India with Special Reference to Tamil Nadu*, Madras, 1979, p. 401.
5. *Report on the Census of India, 1891*, Vol. XIII, Madras, 1892, p.171.
6. Kamala Bhatia and Balder Bhatia, *The Philosophical and Sociological Foundations of Education*, Delhi, 1974, pp.131-133.
7. Syed Narullah & J.P. Naik, *History of Education in India during the British Period*, Bombay, 1943, pp. 49-50.
8. Data, T.M., (ed.), *Social Transformation in India*, Delhi, 1990, p.76.
9. Harjinder Singh, *Caste among Non-Hindus in India*, Vol. II, New Delhi, 1967, p. 51.
10. Arunachalam, K. and Chris Sadler (ed.), *On the Frontiers – Strategy for a New Social Order*, Madurai, 1997, p.205.

11. Tarachand, *History of Freedom Movement in India*, Vol. II, New Delhi, 1967, p.186.
12. Sattianadhan, *History of Education in the Madras Presidency*, Bombay, 1894, p. 38.
13. *The Hindu*, 23 August, 1992, p.4.
14. Kamble, J.R., *Pursuit of Equality in Indian History*, New Delhi, 1985, p.118.
15. *The Caste Disabilities Removal Act, 1850 (Act No.21 of 1850)*, Chennai, 1988, p.1.
16. Anaimuthu, V., *Mandal Kulu Parinthurai: Makkal Nayaha Urimaippor Vahuppurimai Varalaru* (Tamil), Chennai, 1990, p.5.
17. *Standing Order No. 128(2), Revenue Board*, Madras, 1854.
18. Punit, A.E., *Social Systems in Rural India*, New Delhi, 1978, pp.100-102.
19. *The Report of the Census of the Madras Presidency – 1871*, Vol. I, Madras, 1874, p.116.
20. Dikshit,S., *Nationalism and Indian Education*, Jullender, 1966, p.14.
21. Charles A. Ryerson, *Regionalism and Religion. The Tamil Renaissance and Popular Hinduism*, Madras, 1988, p.58.
22. Varadarajulu Naidu, T., *The Justice Movement 1917*, Madras, 1932, p.2.
23. *Tamil Arasu*, August, 1988, p.19.
24. Eugene F. Irschick, *Politics and Social Conflict in South India. The Nn-Brahmin Movement and Tamil Separatism, 1916-1929*, Bombay, 1969, p.37.
25. *G.O. No. 613, (Public)*, dt. 16 September, 1921.
26. *G.O.No. 658 (Public)*, dt. 15 August, 1922.
27. Walter Fernandes (ed.), *Inequality. Its Bases and Search for Solutions*, New Delhi, 1988, p.90.
28. *Report of the Joint Committee on Indian Constitutional Reform, (Session 1933-34)*, Vol. I, London, 1934, p.66
29. *Ibid.*, pp. 66-284.
30. Ghurye, G.S., *Caste and Race in India*, Bombay, 1969, p.73
31. Anirudh Prasad, *op.cit.*, pp.423-424.
32. Marc Galanter, *Competing Equalities. Law and the Backward Classes in India*, Madras, 1984, p.571.
33. *Ibid.*, pp.571-572.
34. *Idem.*
35. *G.O.No.2432, Public (Services)*, dt. 27 September, 1951.
36. *G.O.Ms.No. 2643, Public* dt. 30 April, 1954.
37. *G.O.Ms.No.695, (Social Welfare Department)*, dt. 7 June, 1971.
38. *G.O.Ms.No.73, (Social Welfare Department)*, dt. 1 February, 1980.
39. *G.O.Ms.No. 242 (Backward Classes Welfare, Nutritious Meal Programme and Social Welfare Department)*, dt. 28 March, 1989.
40. *G.O.Ms.No.1090, (Adi Dravidar and Tribal Welfare Department)*, dt. 22 June, 1990.
41. *Tamil Nadu Arunthathiyars Act, 2009* or *Tamil Nadu Act 4 of 2009*.
42. *G.O.Ms.No.50, Adi Dravidar and Tribal Welfare (TD2) Department*, dt. 29 April, 2009.
43. *The Hindu*, dt. 21.03.2017.
44. *Tamil Nadu Government Gazette Extraordinary, 2010*, pp.233-235.

45. *Ibid.*

46. *The Hindu*, dt. 11.12.2010.

47. *G.O.Ms.No.438 (Health and Family Welfare Department)*, dt. 29 October, 2020.

48. *Tamil Nadu Admission to Undergraduate Professional Courses on Preferential Basis to Students of Government Schools Act, 2021.*

