



## Supreme Court Strikes Down Vanniyar quota

**For Prelims:** Vanniyakula Kshatriya community in Tamil Nadu, Ninth Schedule of the Constitution.

**For Mains:** Issues in Government Policies and Interventions.

### Why in News?

Recently, the **Supreme Court struck down the 10.5% internal reservation to [Vanniyakula Kshatriya community in Tamil Nadu](#)**.

### What did the Supreme Court Held?

- The Supreme Court held that 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**.
- The allotment of 10.5% reservation to a single community from within the **total Most Backward Classes (MBC) quota of 20% in the State**, leaving only 9.5% to 115 other communities in the MBC category, was **without "substantial basis"**.
- Further, the court said there was **no assessment or analysis done prior to the 2021 Act** to back the claim that the Vanniyakula Kshatriyas were relatively more backward than the other MBCs and DNCs.
- The court underscored that while **caste can be the starting point for internal reservation, it is incumbent on the State government to justify the reasonableness of the decision**.
- Though the court held the 2021 Act and its **[percentages of reservation](#) unconstitutional**, it upheld the **legislative competence of the State** to enact a law sub-classifying and apportioning percentages within identified backward classes.

### What is Vanniyakula Kshatriya Reservation?

- Reservation in Tamil Nadu **comprises 69% under a 1994 Act** protected under the **[Ninth Schedule of the Constitution](#)**.
  - Out of the 69%, backward classes, including Christians and Muslims, get 30%, MBCs get 20%, Scheduled Castes 18%, and Scheduled Tribes 1%
- The Vanniyakula Kshatriya reservation was provided under the State within the reservation for the **Most Backward Classes and Denotified Communities Act, 2021**.
- Vanniyakula Kshatriya (including **Vanniar, Vanniya, Vannia Gounder, Gounder or Kander, Padayachi, Palli and Agnikula Kshatriya**) community.
- The **second Tamil Nadu Backward Commission in 1983**, held that the population of Vanniyakula Kshatriyas was found to be 13.01% of the State's total population.
- Therefore, provision of **10.5% reservation to a community with a population of 13.01% could not be called disproportionate**.

### What is the Ninth Schedule of the Indian Constitution?

- The Ninth Schedule was added by the **first amendment to the Indian Constitution**.
- It was introduced on **10<sup>th</sup> May 1951 by the Jawaharlal Nehru Government** to protect land reform laws from being challenged in the courts on the grounds of violation of fundamental rights.
- It was created by the **new Article 31B**.
  - Article 31B also has a retrospective operation which means that if laws are inserted in the **Ninth Schedule** after they are **declared unconstitutional**, they are considered to have been in the Schedule since their commencement, and thus valid.
- While most of the laws protected under the **Schedule concern agriculture/land issues, the list includes other subjects**.
- Although **Article 31B excludes judicial review**, the apex court has said in the past that even laws under the Ninth Schedule would be open to scrutiny if they violated Fundamental Rights or the basic structure of the Constitution.

### UPSC Civil Services Examination, Previous Year Questions (PYQs)

**Q. The Ninth Schedule was introduced in the Constitution of India during the prime ministership of (2019)**

- (a) Jawaharlal Nehru
- (b) Lal Bahadur Shastri
- (c) Indira Gandhi
- (d) Morarji Desai

**Ans: (a)**

[Source: TH](#)

PDF Refernece URL: <https://www.drishtias.com/printpdf/supreme-court-strikes-down-vanniyar-quota>