



Vanniakula Reservation Unconstitutional: Madras HC

Why in News

Recently, the Madras High Court has declared as **unconstitutional a reservation law** passed by the Tamil Nadu legislative Assembly.

- The law envisaged providing **10.5% internal reservation to Vanniakula Kshatriya community**, within the 20% earmarked for **Most Backward Classes (MBCs)** in education and public employment.

Key Points

▪ About Vanniakula Kshatriya Reservation:

- The reservation was provided under the State within the reservation for the **Most Backward Classes and Denotified Communities Act, 2021**.
- Vanniakula 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 Vanniakula 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.

▪ Grounds for Challenging the Bill:

- The law was challenged on account of the law being **passed just hours** before the **Model Code of Conduct** (MCC) came into force in the State in February 2021.
- Further, the petitioner argued that the **enactment was politically motivated** and that the law was **passed hastily**.

▪ Tamil Nadu Government's Argument:

- In a democratic polity, an **elected government cannot be barred** from exercise of its power to make a policy to legislate any law during its **tenure/until the last minute** it holds power to meet the **public opinion at large**.
- In 2020, a commission to collect quantifiable data on castes, communities and tribes in the State was established in chairmanship of **retired High Court judge A. Kulasekaran** within six months.
 - The Tamil Nadu government held that the **commission did not submit any report within its tenure**.
- Further, asserting that the **government was empowered to pass such a law for providing internal reservation**, it referred to a **2007 enactment through which Backward Class Muslims** in the State were being actively provided separate reservation.

Model Code of Conduct

- The MCC is a **set of guidelines** issued by the **Election Commission of India** to regulate political parties and candidates prior to elections.

- It **helps EC in keeping with the mandate it has been given** under [Article 324](#) of the Constitution, which gives it the power to supervise and conduct free and fair elections to the Parliament and State Legislatures.
- The MCC is operational from the date on which the [election schedule](#) is announced until the date of result announcement.
- Evolution:
 - The origins of the **MCC lie in the Assembly elections of Kerala in 1960**, when the State administration prepared a 'Code of Conduct' for political actors.
 - Subsequently, in the **Lok Sabha elections** in 1962, the ECI circulated the code to all recognised political parties and State governments and it was wholeheartedly followed.
 - It was in 1991 after repeated flouting of the election norms and continued corruption, the **EC decided to enforce the MCC more strictly.**

Constitutional Provisions for Elections

- **Part XV** of the Indian constitution deals with elections, and establishes a commission for these matters.
- The Election Commission was established in accordance with the **Constitution on 25th January 1950.**
- **Article 324 to 329** of the constitution deals with powers, function, tenure, eligibility, etc of the commission and the members.

Articles Related to Elections	
324	Superintendence, direction and control of elections to be vested in an Election Commission.
325	No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex.
326	Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage.
327	Power of Parliament to make provision with respect to elections to Legislatures.
328	Power of Legislature of a State to make provision with respect to elections to such Legislature.
329	Bar to interference by courts in electoral matters.

[Source: TH](#)

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