



# 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 25<sup>th</sup> 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	
<b>324</b>	Superintendence, direction and control of elections to be vested in an Election Commission.
<b>325</b>	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.
<b>326</b>	Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage.
<b>327</b>	Power of Parliament to make provision with respect to elections to Legislatures.
<b>328</b>	Power of Legislature of a State to make provision with respect to elections to such Legislature.
<b>329</b>	Bar to interference by courts in electoral matters.

[Source: TH](#)