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## SOME RESERVATIONS: RAMIFICATIONS AND IMPLICATIONS IN TWENTIETH CENTURY TAMIL NADU

**Dr. B. Sathyanarayanan**

Assistant Professor of History, Ramakrishna Mission Vivekananda College (Autonomous),  
Chennai District, Tamil Nadu.

### ABSTRACT

*The predominant position of the Brahmins in all walks of public life was witnessed in the dawn of the Twentieth Century Madras Presidency in general and Tamil region particular. The elite non-Brahmin leaders considered that even though they were fit for all positions, they were denied the opportunities and so they ventilated their grievances to the British Government which stood for equality in administrative positions. The British administrators backed the non-Brahmins and also supported the Justice Party. The 'Non- Brahmin Manifesto' of South Indian Liberal Federation also called the Justice Party criticized the complete monopoly of the Brahmins in Government services, Senate of the Madras University, Imperial and State Legislative Councils and Municipal bodies. When the Justice Party formed Ministry, it initiated three Government Communal Orders in 1921, 1922 and 1928. The defeat of the Justice Party in 1934 election was considered a setback to the Reservation policy but the Congress Government continued it in the colonial period. When India got independence, the reservation issue was again spearheaded. As a consequence, the First Amendment was made in the Indian Constitution and a rule was stipulated that reservation at any cost should not be exceeded above fifty percent. But during the rule of the Dravidian Governments under M.Karunanidhi, M.G. Ramachandran and J.Jayalalithaa, the reservation in Tamil Nadu services above 50%, and even reached 69 % percent. Many cases were filed now and then in the Madras High Court and Supreme Court by some vested interests against the increased reservation in Tamil Nadu*



**KEYWORDS:** Reservation, Constitutions, Tamil Nadu, Madras Presidency, Justice party, World War, Naxalite, E.V. Ramasami, M.G.Ramachandran, M. Karunanidhi, B.C., M.B.C.,

### INTRODUCTION :

In Long before the Republican Constitution established job and higher education quotas for the vast majority of 'under-privileged' untouchables during the post-Independence period, the Madras Presidency had initiated similar measures, albeit at a slightly elevated level. The fact that this was accomplished under an elected, modern, Western-style political administration was what distinguished it both then and now. After the Linguistic Reorganisation of States in 1956, the Tamil regions largely remained unchanged compared to other linguistic areas and groups that constituted the Madras Presidency prior to Independence.<sup>1</sup> This continuity influenced the perspectives and policies of the Tamil-speaking Madras State, which was renamed Tamil Nadu following the rise to power of the D.M.K. and Annadurai in 1967.<sup>2</sup>

Prior to the governance of the first Justice Party in 1920 in the Madras Presidency, the Princely States of Kolhapur in 1902<sup>3</sup> and Mysore in 1918 had implemented the idea of job reservation for their non-Brahmin communities.<sup>4</sup> These initiatives were executed through royal decrees or controlled legislative bodies, making them simpler to implement than through a more dynamic legislative framework. The Justice Party's advocacy for equitable job distribution was grounded in the fact that Brahmins held a disproportionately large share of government positions in the region, while many other communities were in need of stable employment and reliable family incomes.<sup>5</sup> This situation was particularly acute in the 1920s, when a severe drought forced individuals from rural areas to migrate to urban centers, especially Madras City, in search of a livelihood. Additionally, the economic strains brought about by the First World War further affected the lives of ordinary citizens.<sup>6</sup>

Subsequent to this, a second and third wave of individuals migrated from rural regions to urban centers, primarily in pursuit of employment opportunities. The second wave was associated with the Second World War. Once again, an influx from rural areas filled Madras City seeking non-agricultural jobs and alternative sources of income. Due to military preparations for the War, numerous job opportunities arose in the textile industry, which provided materials for the uniforms of the armed forces, the railways, and Madras Port. The Census records of Madras City from 1941 and 1951 illustrated how many of those who arrived in search of employment chose to remain. This occurred despite a reverse migration of city residents who left due to fears of an impending Japanese air attack that ultimately did not materialize during the war years. A third phase emerged in the early seventies, characterized by Leftist militancy of the Naxalite variety targeting the landlord class in the Thanjavur Delta. This stands in contrast to the prevailing belief that the Naxalite Movement only reached the State in the eighties, particularly in the northern districts. However, during this period, the influx of individuals into urban centers, particularly Chennai, from the delta regions was comparatively lower than during the previous two waves associated with the two World Wars.

The Communist Movement in Tamil Nadu began long before Independence and was regarded by the Raj as a 'violent, anti-national group.' The ideology of Indian Communism aimed to uplift the socially and economically marginalized segments of society.<sup>7</sup> Consequently, it naturally attracted the Harijan/Dalit youth of that era. Questions persisted regarding whether, within the Indian socio-political context of the pre-Independence period, the Communists might have achieved greater success had they focused on caste rather than class, as dictated by the imported Soviet model, as the central aspect of their policy orientation. Furthermore, it was seen whether they would have attained greater success had the Gandhi-led Indian National Congress, with its explicit Harijan agenda, not been present. The Naxalite Movement, which originated in the village of Naxalbari in West Bengal in 1967, represented a violent expression of Leftist political ideology—an ideology that rejected the democratic electoral process embraced by Indian Communists at the time.<sup>8</sup>

The decapitation of landlords, as occurred in West Bengal and Kerala during that period, was also observed in Tamil Nadu's Cauvery delta in the late sixties and early seventies. Nevertheless, the State police suppressed these actions with a strong hand while Karunanidhi served as Chief Minister. Over a decade later, Left militancy began to take root in the northern and rural regions of the Western districts bordering Andhra Pradesh and Karnataka, during the tenure of M.G.R. as Chief Minister in the 1980s. He permitted the police to act freely after Naxalites started targeting police stations, seizing firearms, and initiating recruitment along with systematic classes on ideology and weapons training.<sup>9</sup> Under the leadership of Deputy Inspector-General of Police (D.G.P.) Walter Davaram, the State police dismantled the Naxal influence, which had intermittently resurfaced in both urban and rural areas since then.<sup>10</sup>

The grip of Naxal fear in the fertile Cauvery delta was so intense during the late sixties and early seventies that the local farming community, particularly the larger landholders, relocated to Madras and other urban centers to ensure their own safety and that of their family members.<sup>11</sup> The younger generations did not return to the land. Many pursued professional courses and embarked on careers as doctors, engineers, and lawyers, or joined the State administration.<sup>12</sup> Around this time, the initial signs of the 'Cauvery water dispute' emerged, which subsequently led to the migration of small and marginal

farmers, as well as low-paid, low-caste farm laborers, in search of stable income, whether in the organized or unorganized sectors.

The migration from farming to professional education during this period and later was distinct from that of the Twenties and Thirties. At that time, for the affluent landlord class in the Thanjavur Delta, having a son in the I.C.S. or as a lawyer in the Madras High Court, who could become a District Collector or a Judge, enhanced the family's prestige within their exclusive circle.<sup>13</sup> Similarly, the middle classes of that era also sent their sons to distant cities such as Delhi, Kolkata, Karachi, and Mumbai, either to work in the Government or in the private sector. This was not merely a matter of family pride. They sought fixed family incomes along with improved social status. If a girl from these regions moved to those far-off cities, it was typically as the wife of someone from the area employed there. Her parents would send essentials like rice and gingelly oil through anyone travelling to her location by train. For closer towns like Chennapattanam, they would even send vegetables and bananas from their farms or backyards.

### **Communal Reservation and First Amendment of Indian Constitution**

The Justice Party Government initiated the concept of reservation, but not via legislative processes. They commenced with Executive orders, which are now referred to as the 'First Communal G.O.' or 'Government Order' of 1921<sup>14</sup> and the 'Second Communal G.O.' of 1922<sup>15</sup>, aimed at reserving positions in Government jobs within the Madras Presidency. This approach did not exclude any segment of society from employment opportunities. Rather, it allocated fewer positions to Brahmins while providing a greater number to other communities collectively. The share of Brahmins was no longer unlimited. Conversely, the shares for other communities were also restricted, yet set at a higher level compared to previous recruitment practices. Apart from job reservations and the two Communal G.O.s, the indirectly elected mayoralty of the Madras Corporation commenced with a system of rotational representation, where each community would hold the position for one year during the five-year term of the directly elected Corporation Council.

In the case of the Madras Mayoralty, out of the five one-year terms, a Brahmin was required to be elected for one of those terms, similar to the other communities. This represented a form of 'positive discrimination', again on an annual, rotational basis. The practice of direct elections for the mayoralty, as well as for the chairmanship of municipalities, district and town panchayats, and panchayat unions, was only abolished following the 73<sup>rd</sup> and 74<sup>th</sup> Amendments to the Constitution, which were introduced by the Narasimha Rao Government in the early 1990s<sup>16</sup> and executed in Tamil Nadu in the mid-1990s.<sup>17</sup> A delay occurred due to the M.G.Ramachandran Government in the State, which superseded the Madras Corporation in the 1980s and refrained from conducting early elections due to the persistent fear of losing the Madras Corporation elections, particularly to the D.M.K. rival led by Karunanidhi.

The formation of the Dravidar Kazhagam in 1944 resulted in a heightened demand for reservations in government positions for the Backward Communities within the Madras Presidency. Praksam, the Congress Premier of the Madras Presidency, opposed the execution of the Communal G.O and established obstacles in its path, similar to Rajaji earlier. He aimed to undermine the interests of the backward classes by downplaying the significance of the reservation system.<sup>18</sup> Contrary to popular belief, the Congress Government under Omandur P.Ramaswami in the Madras State did not eliminate the reservation scheme initiated by the Justice Party following Independence; they upheld it. On November 21, 1947, merely months after Independence, Omandhur P. Ramaswamy Reddiar revised the quota system to guarantee equitable representation for various communities in government services.<sup>19</sup> This adjustment appeared to be a reaction to the pressures exerted by non-Brahmin Congress party members, leaders of caste associations, and E.V. Ramasami. Under the new arrangement, out of every fourteen positions, two were designated for Brahmins, one each for Indian Christians and Mohammadan, two each for Adi-Dravidas and Backward non-Brahmins, and six for non-Brahmins.<sup>20</sup> Jawaharlal Nehru instructed Omandur P. Ramaswami, who was then the Premier of the Madras Presidency, to refrain from enforcing the Government Order.<sup>21</sup> Omandur Ramaswami declined to alter that Government Order, fearing it would provoke unrest among a significant segment of the Backward

Classes. In this context, Chief Minister Omandur P. Ramaswamy Reddiar opposed the wishes of the Congress Organization in the Madras Presidency and ensured the continuation of the scheme that had been in place since the 1920s.<sup>22</sup> A faction of the Brahmins mocked this Government Order, deriding the Congress and asserting that it was not they who held authority but rather 'Beardless Periyar' or 'Ramaswami without Beard' (Omandur P. Ramaswamy Reddiar). Periyar E.V. Ramasami, who was bearded and founded the Dravidar Kazhagam, emerged as a staunch advocate for the reservation policy.<sup>23</sup> These Brahmins sought Gandhi's assistance in reversing the order.<sup>24</sup> Furthermore, the quota system faced additional scrutiny following the adoption of the Indian Constitution in 1950, which introduced a rights-based framework.<sup>25</sup>

When the Republican Constitution of 1950 did not stipulate their continuation - nor did it *explicitly* state their discontinuation - the 'Champakam Dorairajan' verdict from the Supreme Court emerged.<sup>26</sup> The Supreme Court affirmed the previous ruling of the Madras High Court, which indicated that the Constitution only mandated reservations for Scheduled Castes and Tribes, thereby necessitating the elimination of all other types of quotas. This outcome is likely what E.V. Ramasami anticipated and dreaded - that the advantages of the 'social justice' framework established by the Justice Party would be rendered ineffective under the new scheme and structure of a post-Independence Indian State, to which he would, almost involuntarily, append the phrase 'Brahmin conspiracy'.<sup>27</sup>

For E.V. Ramasami's D.K. and their splinter D.M.K. rivals, the ruling served as a moment and chance to express their views to the Tamil people, following Independence, at a time when the public was swayed by the Congress, which had maintained power during the transition. Their demonstrations, coupled with the suggestions from the State Congress, led by party unit president Kamaraj, prompted the Jawaharlal Nehru Government at the Centre to incorporate a provision in the First Amendment of the Constitution.<sup>28</sup> This allowed for a partial restoration of the scheme as it was prior to the Champakam Dorairajan ruling. The First Amendment, which enabled State Governments to establish quotas for those not included under the constitutional provisions (SC-ST), did not advantage Brahmins, Muslims, and Anglo-Indians, all of whom were specifically mentioned in the previous scheme. Additionally, a number of communities that were categorized as 'Forward Caste' (F.C.) alongside the Brahmins found themselves in a similar predicament without having requested such classification. Conversely, the First Amendment introduced what became known as 'Backward Class' (B.C.) reservation, to be determined and enforced by the respective State Governments.

The First Amendment to the Constitution was a comprehensive measure that was enacted by Parliament in the same year as the Champakam Dorairajan verdict (1951). It served to rectify other provisions unrelated to job and educational reservations. Regarding the 'reservation issue', the First Amendment took on a 'corrective' role. Subsequently, there was a further categorization of the State's backward castes, primarily encompassing the non-Brahmin, non-Dalit intermediary castes, into B.C. and M.B.C. (Most Backward Classes). However, there was no equivalent support for the intermediary castes at the national level until the Government led by Prime Minister V P Singh implemented such measures during his brief time in office (1989-1990).<sup>29</sup>

Subsequent administrations in the State have increased the quotas for B.C./M.B.C., utilizing the authority granted to them by the First Amendment, and have also broadened the list of beneficiary communities. In certain cases involving apparent upper castes, some existing sub-sects were recognized and included in the quota scheme. During the 1970s, the Supreme Court mandated that the State Government allocate an additional seat for a medical student who, despite achieving good marks, could not be accommodated due to the reservation scheme (A Periyakaruppan vs State of Tamil Nadu, Supreme Court, 1971).<sup>30</sup> Through a process that some refer to as 'competitive Dravidian political accommodation', there was a period when the total reservations in the State, including the constitutionally required figures for SC/ST, amounted to an astonishing 69 percent.

However, it was merely a coincidence that the 'Mandal case' in the Supreme Court (Indra Sawhney vs Union of India, State of Karnataka & Others, 1992) involved a southern state with a quota exceeding Tamil Nadu's 69 percent.<sup>31</sup> The ruling established a 50 percent cap on all reservations, thereby ensuring that the remaining 50 percent of college admissions and government jobs were based

on merit.<sup>32</sup> Despite their claimed adherence to the ruling in other judicial matters, successive administrations in Tamil Nadu have consistently increased the total number of seats in professional colleges each year to align with the State's 69 percent scheme.<sup>33</sup> The generous allowance to establish engineering and medical colleges almost indiscriminately facilitated this expansion. This initiative began during the M.G.R. administration but gained national recognition with the introduction of Economic Reforms in the early Nineties. It represented a recognition of the reality that ambitious youth should not be made to wait for governments to allocate more resources for investment in the higher education sector.

The 'management quota' scheme for admissions to professional colleges, which allows promoters to increase fees for those seats, was particularly appealing to the private sector and to parents with the financial means to afford it. In this context, the Centre's assertion from a decade ago that it would not decrease the number of 'open category seats' in IITs and IIMs while allocating a 27 percent quota for O.B.C.s could be linked to the remarkable ease with which the governments of Tamil Nadu and Karnataka, among others, have navigated the mathematically challenging issue of their quota allocations. This situation arose during the tenure of Congress veteran Arjun Singh as the Union Minister for Human Resource Development from 2004 to 2009. He refused to grant permission for the esteemed Indian Institute of Management, Ahmedabad (IIM-A) to establish a branch in Singapore. There appeared to be merit in the argument that rapid expansion could compromise the quality of the teaching staff and, simultaneously, the educational experience, as the swift recruitment and onboarding of additional faculty members could severely undermine institutional integrity.

To conclude, the concept of reservation began with the name of Jyotiba Phule who demanded reservation from the Governor Hunter. Sahu Maharaja of Kolhapur provided 50% reservation to Scheduled Castes/ Backward Classes in his Government on 26<sup>th</sup> July 1902. Subsequently, due to the Non-Brahmin Movement in Madras Presidency, the reservation policy was taken into consideration during the rule of the Justice Ministry. This reservation policy was spread to the Princely States of Mysore and Travancore where also the Non-Brahmin Movement spearheaded the reservation demand. In the Post- Independence period, based on constitutional provisions, various commissions were appointed by the State and Central Governments from time to time. In 1953, the first Backward Classes Commission at all India level was constituted under the Chairmanship of Kaka Kalelkar and subsequently, under A.N. Sattanathan, the first Tamil Nadu Backward Class Commission was constituted in 1969. In 1978, the Second All -India Backward Commission was constituted under B.P. Mandal but his report was kept in abyss for along period. The Second Tamil Nadu Backward Class was constituted under J.A. Ambasankar in 1982. Under V.P.Singh's Government, the Mandal Commission report was implemented in 1990 and 27% reservation was assigned to the Backward Classes in Central Government services. Anti-Mandal agitations took place all throughout India by the vested groups. cases were filed in courts. The State Government and all other political parties in Tamil Nadu took initiatives to increase reservation and finally succeeded to reach 69% reservation for all the backward and downtrodden sections of the society.

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