

TAMIL NADU BACKWARD CLASSES, SCHEDULED CASTE AND SCHEDULED TRIBES (RESERVATION OF SEATS IN EDUCATIONAL INSTITUTIONS AND OF APPOINTMENTS OR POSTS IN THE SERVICE UNDER THE STATE) ACT, 1993

IOF TAMIL NADU 1994 Registered No i) (Price: Rs. 0-45 368] TAMIL NADU GOVERNMENT GAZEITE EXTRAORDINARY *UBLISHED BY AUTHORITY MADRAS, TUESDAY, JULY 19/1994 Aadi J, Bhavaø 'Thiruvalluvar part IVZSection Tamil Act* and The Act of the Tamil Nadu Legislative Assembly received -the assent of the President!' on the 19th July -1994 [and is hereby Gpublished Jor general information ACT No.45 OF 1>94. the State An Act io provide for reservation OJ seats in educational institutions in and of appointments or posrs in the services under lhe State for,hthe Dac/cvvard Classes of citizens and for persons belonging to lhe Scheduled Castes and the ScJleduled Tribes in the State of Tamil Nadll. WHEREAS the policy of reservation for the social, economic and educational advancement of the people belonging to Backward Classes of citizens in admissions to educational institutions in the State and for appointments in the services under the State ha.s been under implementation in the State of Tamil Nadu for a long time ; AND WHEREAS the State of Tamil Nadu is a pioneer State in providing reservation for the underprivileged and the first cpmmunal Go.vernment Order was passed in the year 1921 and the proportional representation foi conununilics was made in the year 1927 in the State of Temil Nadu AND WHEREAS a large percentage of population of Tamil Nadu suflering from social and educational backwardness for many years have started enjoying the fruits of the reservation policy and have been able to improve their lot and attnin a higher standard of living AND WHEREAS clause (4) of Article 15 of the Constitution enables' (lie AState to .rnake any special provision for the advancement of any socially and educationally Backward Classes of citizens or for the Scheduled Castes and the Scheduled Tribes ; AND WHEREAS clause (4) of Article 16 of the Constitution enables the State to make any provision for the reservation of appointments or posts iii favour of any Backward Class of citizens which, in the opinion of the State,tOs not adequately represented in the services under the State ; AND WHEREAS under clause (1) of Article 38 of the Constitution, the State shell strive to promote the "elfare of the people by securing and protecting as effectively as it may, a social order in which justice, social, economic and political, smalJ inform all the institutions of the national life ; [323 TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY AND WHEREAS under clause (2) of Article 38 of the COL3titution, the state shall, in particular, strive to minimise the inequalities in Income and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups 01 people residing in different areas Of engaged in dillerent vocations AND WHEREAS under clause (b) of Article 39 of, the Constitution, the State shall, in particular' direct its policy towards securing that the ownership and contrYol of the e material resources of the community are so distributed as best to subserve -'the corn Inon good Short title, extent and commencement. Declaration. Definitions. AND WHEREAS under clause (c) of Article 39 oi the Constitution, Ine State in particular, direct its policy towards securing that the operation ot shall the econonnic syste)li does not result in luc concentration of wealth and means of produc- tion to deu-ilnent the conunc;; A IND W} NFG', EAS under Ar(icle 46 of the Constitution, Lhe State shajj promote, with special cave, the educational and economic interests of the weaker secoc.nx of the in pat ricuiar, of the Scheduled Castes and the Scheduled Tribes, and peoples protect them treni soc:a-t Iniustice and all forms of exploitation • AND W H EREAS the representatives of the various political parties and social forujus representing backward classes have requested the State Government to consider all the ramifications of the Supreme Court judgment, dated the 16th day of under clauso (LI) Article 16 ot the Constitution and take -steps to reservations protect their interests adequately AND WFIEREAS in -he opinion of the State Government, Backward Classes of citizens, and the persons •l to .the Scheduled Castes and the Scheduled Tribes, who constitute the majority of the total population of the State are not adequately represented in the services under the State in proportion to their population in the State of Tamil , AND WHEREAS the State Government have, after careful consideration, taken a policy decision that the existing level oi sixty-nine per cent reservation in admission to educational institutions in the State and in the services under the State, lor the Backward Classes of citizens and for the persons belonging to the Scheduled Castes and the Scheduled Tribes, should be continued for ensuring the advancement of the majority of the people of the State of Tamil Nadu BE it

enacted by the I-egislative Assembly of the State of Tamil Nadu in the 01 the Republic of Indiu us follows Forty-lour(il Year l. (l) This Act may be called the Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of seats in Educational Institutions and of appointinents or posts in the Services under the State) Act, 1993. (2) It extends to the whole of the State of Tamil Nadu. (3) (a) Sections 2, 3, 4, 5, 6 and 8 shall be deemed to have coine into force on the 16th day of November 19920 (b) Section 7 shall be deemed to have _come into iorceron the 15th day of Match 19930 ! 2. is hereby declared that this Acc is for giving effect to the policy of Ibe State towards securing the principles laid down in Part IV and in particular, in Article .38, clauses (b) and (c) of Article 39 and Article 46 of the Constitution. 30 this Acto unless the context otherwise requires,-e (a) 'G Backward Classes of citizens " means the class or classes of citizens who are socially and educationally backward, as may be notified by the Government in the Tanzil Nadu Governtnent Gazette, and includes the Most Backward Classes and the Denotified Communities ; NADU GOVERNMENT GAZETTE EXTRAORDIITYARY (b) " educational institution Inaintained by the State, (i) any college or other educational institution, or aid out of the State funds, or affiliated to any university established by including an univcrsity college and a constituent college ; or (ii) any institute or vecognised or approved by thesGovern- ment, with the object of preparing, training or guiding its students for any certificate, degree or diploma or other a.cademic distinctions granted or conferred by ' any LJnivcr.sity, or authority established or approved in this behalf by the Government ; means the State Government ; (c) c' Governnuent " shall have the same meaning as in the Constitution • (CD c' Scheduled Castes 325 (e) 'Scheduled Tribes" shall have the same meaning as in the Constitution. (l) Notwithstanding anything contained in any judgment, decree or order any court or other authority, having regard to the social and educational backwardo ness of the Backward Classes of citizens and the persons belonging to the Scheduled Castes and the Scheduled Tribes who constitute the majority of the total population S! a or Talnil Nadu , the reservation in respect of the annual pernitted strength of the in each branch or faculty for adnlission into educational institutions in the State, for the Backward Classes citizens and for the persons belonging to the Scheduled Castes and the Scheduled Tribes, shall be sixty-nine per cent, (?) The leservation referred to in sub-section (l) shall, in respect of the persons belonging to the Backward Classes, the Most Backward Classes and Denotified Comlnunitic.s, the Scheduled Castes and the Scheduled Tribes, bc as hereunder:— (a) Backward Classes Thirty per cent. (b) Most Backward Classes and Denotified Twenty per cent, Conununitics. (c) Scheduled Castes (d) Scheduled Tribes Eighteen per cento One per cent. Reservauon of seats in ed ucational institutionsn Reservation in appointe ments or posts in the services undep the State. 5. (l) Notwithstanding anything contained in any judgment, 2 decree or order of any court or other authority, having regard to the inadequate representation in the services under the State, of the Backward Classes of citizens and the persons belonging to the Scheduled Castes and the Scheduled Tribes, who constitute the majo- Tity of the total population of the State of Tamil Nadu, the reservation for appoint- ments or posts in the services under the State, for the Backward Classes of citizens and for the persons belonging to the Scheduled' Castes and the Scheduled Tribes, shall be sixty-nine per cente Explanafion.—For the purposes of this Act, C'services under the State" includes - the services under— (i) the*Government ; (ii) the! Legislature of the State ; (iii) any local authority ; (iv) any corporation or company owned or controlled by the Government; or (p) any othec authority in respect of which the State Legislature has power to make laws, TAMIL the (2) The reservation referred to •iii-sub-section• (f) shall, respect of in s 326 Reservations not to be affectede Classifi- cation of Backward Classes of citizens. Power to make rules. Validation,, persons belonging to the Backward Classes» the Most Backward Classes Tribes, Denotified Communities, the SchedLiled Castes and the Scheduled and be as hereunder , (a) Backward Classes (b) Most Backward Classes and Communitieso (c) Scheduled Castes (d). Sclieduled Tribes Thirty per cent. -hf•wenty péfiqi{t'e _ .00 ' Eighteen per cent. ceht, 6. Notwithstanding anything contained in sections 4 and 5, the claiins of lhe students or members belonging to the Backward Classes of citizens or the Scheduled Castes or the Scheduled Tribes, Sholl also be considered tor the unreserved seals, appointments or posts which shall be filled on the basis of merit and •where a student or meniber belonging to the Backward Classes of citizens or {he Scheduled Castes or the Scheduled Tribes, is selected on the basis of merit, the nunlber of appointinpts OT posts reserved for the Backward Classes of citizens or Por Ethe pekSons belonging to the Scheduled Castes or the Scheduled Tribes* as Ohe ca&- may-'bä,- shāli not in any way be affected

7. The Government may, from time to time, based on the reports presented at the appropriate periods to the Government by the Tamil Nadu Backward Classes Commission constituted in G.O.Ms. No. 9, Backward Classes and Most Classes Welfare Department, dated the 15th day of March 1993, by notification, classify or sub-classify the Backward Classes of citizens for the purposes of this Act.

(1) The Government may make rules for carrying out the purposes of this Act. (2) (a) All rules made under this Act shall be published in the Tamil Nadu Government Gazette and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published, (b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published. (3) Every rule made or notification or order issued under this Act shall as soon as possible, after it is made or issued, be placed on the table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or the Assembly makes any modification in any such rule or notification or order, or the Assembly decides that the rule or notification or order should not be made or issued, the rule or notification or order shall thereafter have effect only in such modified form or be of no effect, as it may appear, so, however, that any such modification or annulment shall be without prejudice to the full validity of anything previously done under that rule or notification or order.

9. Notwithstanding anything contained in any judgment, decree or order of any court or other authority, the reservation of sixty-nine per cent made, and anything done or any action taken on the basis of such reservation, by the Government for admissions into educational institutions in the State and for appointments or posts in the services under the State, for the Backward Classes of citizens and for the Scheduled Tribes, during the period commencing on the 16th day of November 1992 and TAMIL GOVERNMENT GAZETTE EXTRAORDINARY ending with the date of the publication of this Act in the Tamil Nadu Government Gazette shall, for all purposes be deemed to be and to have always been, validly made, done or taken in accordance with the provisions of this Act as if this Act had been in force at all material times when such reservation has been made and such thing done or action taken. If any difficulty arises in giving effect to the provisions of this Act, the Government may by an order published in the Tamil Nadu Government Gazette, make such provisions not inconsistent with the provisions of this Act as appear to them to be necessary or expedient for removing the difficulty. Provided that no such order shall be made after the expiry of two years from the date of publication of this Act in the Tamil Nadu Government Gazette. (By order of the Governor) M, MUNIRAMAN, Secretary to Government, Department 327 Power to remove difficulties, AND DIRECTOR OF STATIONERY AND PRINTING, MADRAS, OF THE GOVERNMENT OF TAMIL NADU. A (Group