

**THE TAMIL NADU ARUNTHATHIYARS (SPECIAL RESERVATION OF SEATS IN
EDUCATIONAL INSTITUTIONS INCLUDING PRIVATE EDUCATIONAL INSTITUTIONS
AND OF APPOINTMENTS OR POSTS IN THE SERVICES UNDER THE STATE WITHIN
THE RESERVATION FOR THE SCHEDULED CASTES) ACT, 2009.**

(ACT No. 4 OF 2009)

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(ACT No. 4 OF 2009)

[9th March 2009]

An Act to provide for reservation of seats in educational institutions including private educational institutions in the State and of appointments or posts in the services under the State to Arunthathiyars in the State of Tamil Nadu within the eighteen per cent reservation for Scheduled Castes.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixtieth Year of the Republic of India as follows:—

1. Short title, extent and commencement.-(1) This Act may be called the Tamil Nadu Arunthathiyars (Special Reservation of seats in Educational Institutions including Private Educational Institutions and of appointments or posts in the services under the State within the Reservation for the Scheduled Castes) Act, 2009.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions.- In this Act, unless the context otherwise requires,—

(a) "Arunthathiyars" means the castes, Arunthathiyar, Chakkiliyan, Madari, Madiga, Pagadai, Thoti and Adi Andhra within the list of 76 Scheduled Castes notified by the President of India under Article 341 of the Constitution of India by the Constitution (Scheduled Castes) Order, 1950 as amended from time to time;

(b) "Competent authority" means the competent authority appointed under section 9;

(c) "educational institutions" shall have the same meaning as defined in the Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of seats in Educational Institutions and of appointments or posts in the Services under the State) Act, 1993 (hereinafter referred to as the 1994 Act); (Tamil Nadu Act 45 of 1994.)

(d) "Government" means the State Government;

(e) "private educational institution" shall have the same meaning as defined in the Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of

seats in Private Educational Institutions) Act, 2006 (hereinafter referred to as the 2006 Act); (Tamil Nadu Act 12 of 2006.)

(f) "Scheduled Castes" shall have the same meaning as in Article 366 (24) read with Article 341 of the Constitution of India.

3. Reservation of Seats in Educational Institutions including Private Educational Institutions.- Notwithstanding anything contained in the 1994 Act or the 2006 Act or in any other law for the time being in force or in any judgment, decree or order of any court or other authority, having regard to the social and educational backwardness of Arunthathiyars included in the Scheduled Castes, sixteen per cent of seats reserved for the Scheduled Castes shall be offered to Arunthathiyars, if available, in respect of annual permitted strength in each branch or faculty for admission into educational institutions including private educational institutions, on preferential basis amongst Scheduled Castes, in such manner, as may be prescribed.

4. Reservation in appointments or posts in the services under the State.

Notwithstanding anything contained in the 1994 Act or the 2006 Act or in any other law for the time being in force or in any judgment, decree or order of any Court or other authority, having regard to the social and educational backwardness of Arunthathiyars included in the Scheduled Castes, sixteen per cent of the appointments or posts reserved for the Scheduled Castes shall be offered to Arunthathiyars, if available, in appointments or posts in the services under the State, on preferential basis amongst the Scheduled Castes, in such manner as may be prescribed.

Explanation.—For the purposes of this Act, "service 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
- (v) any other authority in respect of which the State Legislature has power to make laws.

5. Right to compete for non-preferential seats, appointments or posts not to be affected.-

Notwithstanding anything contained in the 1994 Act or the 2006 Act or in any other law for the time being in force or in any judgment, decree or order of any court or other authority, having regard to the social and educational backwardness of Arunthathiyars,

where more number of qualified Arunthathiyars are available, even after filling up of the required percentage of reservation for Arunthathiyars on preferential basis, such excess number of candidates of Arunthathiyars shall be entitled to compete with Scheduled Castes other than Arunthathiyars in the inter-se merit among them in the case of appointments or posts in the services under the State or admission into educational institutions including private educational institutions.

6. Right to carry forward of vacancies for Scheduled Castes not to be affected.-

Notwithstanding anything contained in the provisions of this Act or in the 1994 Act or the 2006 Act or in any other law for the time being in force, or in any judgment, decree or order of any court or other authority, having regard to the social and educational backwardness of Arunthathiyars, where seats, appointments or posts reserved for Arunthathiyars remain unfilled for want of adequate number of qualified candidates, it shall be filled up by Scheduled Castes other than Arunthathiyars with no carry forward of vacancies for Arunthathiyars and the entire reservation of eighteen per cent for Scheduled Castes shall be filled up in the year of actual vacancy subject to the availability of Scheduled Castes candidates and the preference given to Arunthathiyars shall not, in any way, affect the existing principle of carry forward of vacancies for Scheduled Castes in general.

7. Certificate of identification.- A candidate who claims to be a member of the Arunthathiyars as defined under this Act shall support his candidature as such by a certificate of caste identification issued under the Constitution (Scheduled Castes) Order, 1950 notified by the President of India for the State of Tamil Nadu, from time to time.

8. Reservation not to be affected.- Notwithstanding anything contained in sections 3,4,5 and 6 of this Act, the claims of the students or members belonging to Arunthathiyars shall be considered for the unreserved seats, appointments, or posts which shall be filled up on the basis of merit and where a student or member belonging to Arunthathiyars, if selected on the basis of merit, the number of seats, appointments or posts reserved for the Arunthathiyars shall not, in any way, be affected.

9. Competent authority.- (1) The Government may, by notification, appoint any officer not below the rank of District Adi Dravidar Welfare Officer to be the competent authority for the purpose of carrying out the provisions of this Act and the rules made thereunder in respect of private educational institutions.

(2) The competent authority shall exercise such powers and perform such functions as may be prescribed

10. Power of Government to give direction.- (1) The Government may, in the public interest, by order, direct the competent authority to make an enquiry or to take appropriate proceedings under this Act in any case specified in the order, and the competent authority shall report to the Government the result of the enquiry made or the proceedings taken by him within such period as may be prescribed.

(2) On receipt of the report from the competent authority under sub-section (1), the Government shall give such direction as they deem fit and such direction shall be final and binding.

11. Competent authority to be public servant.- The Competent authority appointed under section 9 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

12. Protection of action taken in good faith.- (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 so published.

13. Power to make rules.- (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 so 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 next session, 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 the case

may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification or order.

14.Power to remove difficulties.- 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 may 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 the publication of the Act in the Tamil Nadu Government Gazette