



Maratha Quota

For Prelims: Socially and Educationally Backward Classes (SEBC), [Maratha Reservation](#), 102nd Amendment Act of 2018

For Mains: Constitutional provisions related to the National Commission for Backward Classes, Reservation

[Source: IE](#)

Why in News?

Recently, in Maharashtra, the demand for **reservations in educational institutions and government jobs by the [Maratha community](#)** has once again taken center stage.

What is the History and Status of the Maratha Reservation Demand?

▪ History:

- The Marathas are a group of castes comprising peasants and landowners among others **constituting nearly 33% of the state's population.**
 - While most Marathas are Marathi-speaking, not all Marathi-speaking people belong to the Maratha community.
- Historically, they have been identified as a **'warrior' caste with large land holdings.**
- However, over the years, due to factors such as land fragmentation, agrarian distress, unemployment and lack of educational opportunities, many Marathas have faced social and economic backwardness. The community still plays an important role in the rural economy.
 - Therefore, they have been demanding reservation in **government jobs and educational institutions under the category of Socially and Educationally Backward Classes (SEBC).**

▪ Status of the Maratha Reservation Demand:

- **2017:**
 - A 11-member **commission headed by Retired Justice N G Gaikwad** recommended **Marathas should be given reservation** under [Socially and Educationally Backward Class \(SEBC\).](#)
- **2018:**
 - Maharashtra Assembly passed a Bill proposing **16% reservation for Maratha community.**
- **2018:**
 - The Bombay High Court while upholding the reservation pointed out that instead of 16% it should be **reduced to 12% in education and 13% in jobs.**
- **2020:**
 - The [Supreme Court of India](#) stayed its implementation and **referred the case to the [Chief Justice of India](#) for a larger bench.**
- **2021:**
 - Supreme Court struck down the Maratha reservation in 2021 citing the 50% cap on

total reservations it had set in 1992.

- The Maratha reservation of 12% and 13% (in education and jobs) had increased the overall reservation ceiling to 64% and 65%, respectively.
 - In the [Indira Sawhney judgment](#) 1992, SC had categorically said **50% shall be the rule**, only in certain exceptional and extraordinary situations for bringing far-flung and remote areas' population into mainstream said 50% rule can be relaxed.
 - The Supreme Court said that there were no “exceptional circumstances” or an “extraordinary situation” in Maharashtra for the state government to breach the limit.
 - In addition, the court ruled that the state had no authority to accord socially and economically backward status to a community: **only the president can tweak the central list of socially and backward classes, said the court. States can only make “suggestions”.**
 - The Bench unanimously **upheld the constitutional validity** of the [102nd Constitution Amendment](#) but differed on the question of whether it affected the power of states to identify SEBCs.
 - **The Supreme Court highlighted that a separate reservation for the Maratha community violates [Articles 14 \(right to equality\)](#) and [21 \(due process of law\)](#).**
- **2022:**
- In November 2022, after the [SC upheld the 10% quota for the Economically Weaker Sections](#), the state government said that until the issue of Maratha reservation is resolved, economically weaker members of the community **can benefit from the EWS quota.**

102nd Amendment Act of 2018

- It introduced Articles 338B and 342A in the Constitution.
- Article 338B deals with the newly established National Commission for Backward Classes.
- Article 342A empowers the President to specify the socially and educationally backward communities in a State.
- It says that it is for the Parliament to include a community in the Central List for socially and backward classes for grant of reservation benefits.