



Maratha Reservation Demand: Strength or Reason

This editorial is based on [“Strength vs reason: On legislation and reservation to certain social groups”](#) which was published in The Hindu on 29/02/2024. This article examines the unanimous decision by the Maharashtra State Assembly to grant 10% reservation in education and government jobs to the Maratha community.

For Prelims: [Marathas](#), [Shivaji Maharaj](#), [Maharashtra State Backward Class Commission](#), [Maharashtra State Reservation for Socially and Educationally Backward Classes Bill, 2024](#), [Creamy layer](#)

For Mains: Highlights of the Maratha Reservation Bill, Arguments in Favour of Maratha Reservation, Arguments Against the Maratha Reservation

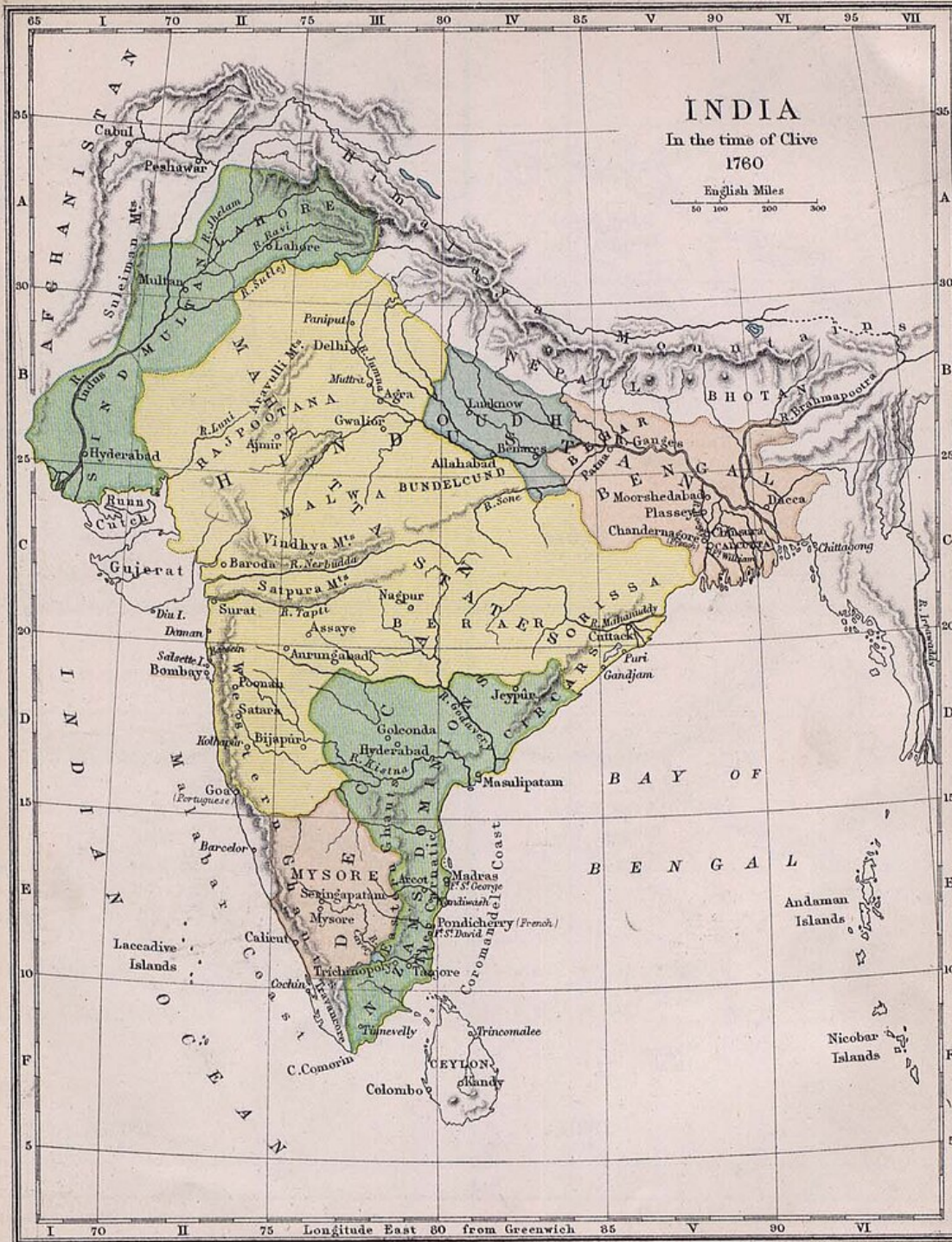
The Maharashtra State Assembly unanimously passed a bill that allocates 10% reservation in education and government jobs to the Maratha community, based on a report from the Justice (retired) Sunil B Shukre-led [Maharashtra State Backward Class Commission \(MSBCC\)](#).

Despite this being the third such legislation in a decade, previous attempts at extending quotas to Marathas have faced legal challenges. The pressing question now is whether the [Maharashtra State Reservation for Socially and Educationally Backward Classes Bill, 2024](#) will withstand judicial scrutiny.

What Are the Key Facts About the Maratha Community in India?

- **Legacy of Warriors and Rulers:** The Marathas are a prominent community in India, primarily found in the state of Maharashtra. Historically, they were warriors and rulers in the region, known for their military prowess and leadership under the Maratha Empire, which was established in the 17th century by [Shivaji Maharaj](#).
- **Social Structure:** Over time, the Marathas diversified into various professions, including agriculture, trade, and politics. While the top layer of the Marathas—with surnames like Deshmukh, Bhonsle, More, Shirke, Jadhav—are the Kshatriyas (warriors), the rest belong to a predominantly agrarian sub-caste called Kunbi.
- **Influence Beyond Maharashtra:** The Gaekwad dynasty which ruled the Baroda princely state, and the Scindias, and Bhonsles of Thanjavur in Tamil Nadu, are examples of powerful Maratha dynasties that have settled outside Maharashtra.

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What are the Highlights of the Maratha Reservation Bill?

- **Reservation for the Maratha community:** The Bill identifies the Maratha community as a socially and educationally backward class, and provides 10% reservation to this class in recruitment for government jobs, and admissions to public as well as private educational institutions.
 - The Bill specifies that the 10% reservation for the Maratha community will be over and above the seats reserved for various communities under existing Acts in the state.
- **Creamy layer:** Reservation will be available only to those persons who do not fall in the **creamy layer** bracket.
 - Creamy layer refers to criteria such as a family income level, above which a person is not

eligible to get the benefit of reservation.

- **Carry forward of vacancies:** In case a reserved seat lies vacant in any year, the vacancy will be carried forward for up to five years.
- **Penalty:** Admissions or appointments made in contravention of the provisions of the Act will be void.
- **Procedure for issuing caste and validity certificate:** Provisions under existing Acts that deal with providing caste certificates will apply to the Maratha community as well.

What is the Constitutional Basis of the Maratha Reservation Bill?

The Bill specifies the Maratha community as a Socially and Educationally Backward Class under **Article 342A (3)** of the Indian Constitution. It provides reservation for this class under **Articles 15(4), 15(5), and 16(4)** of the Constitution.

- **Article 342A (3)** states that every state or union territory can prepare and maintain a list of socially and educationally backward classes (SEBCs). These lists can be different from the Central List.
- **Article 15(4)** empowers the state to make special provisions for the advancement of any SEBCs of citizens or the Scheduled Castes and the Scheduled Tribes.
- **Article 15(5)** enables the state to make provision for the reservation of seats in admission to educational institutions for the backward classes, the Scheduled Castes and the Scheduled Tribes, except for [minority educational institutions](#).
- **Article 16(4)** authorizes the state to make provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the state, is not adequately represented in the services under the state.

What are the Arguments in Favour of Maratha Reservation?

- **Recommended by Several Maharashtra State Backward Classes Commissions (MSBCC) :**
 - **Narayan Rane Committee:** In **2014**, a Narayan Rane-led committee recommended 16% reservation for Marathas ahead of elections, later challenged and stayed by the Bombay High Court.
 - **Gaikwad Commission:** In **2018**, the Maharashtra government enacted the Socially and Educationally Backward Class (SEBC) Act based on the Gaikwad Commission's findings, granting 16% reservation.
 - The Bombay High Court reduced this to 12% in education and 13% in jobs. It was later overturned by the Supreme Court on account of the breach of the 50% reservation limit.
 - **Maharashtra State Backward Class Commission:** The Maharashtra State Reservation for Socially and Educationally Backward Classes Bill 2024, was drafted based on a Maharashtra State Backward Class Commission report.
 - This report identified the Marathas as socially and educationally backward, justifying the need for a reservation.
 - The commission's report highlighted "exceptional circumstances and extraordinary situations" justifying reservations to the Maratha community above the 50% ceiling set by the Supreme Court
 - **Historical Marginalization:** Despite being a historically dominant and influential community in Maharashtra, Marathas argue that they have faced marginalization in education, employment, and other spheres. They believe that reservation status will help address historical injustices and uplift the community.
 - The **Gaikwad Commission** found that 76.86 % of Maratha families were engaged in agriculture and farm labor, around 50% lived in mud houses, only 35.39% had personal tap water connections, 13.42% of Marathas were not literate with only 35.31% having primary education, 43.79 % having cleared HSC and SSC.
 - **Economic Disparities:** Many Marathas, particularly those in rural areas, face economic challenges and lack access to opportunities for socio-economic advancement. Reservation

is seen as a means to provide them with better access to education and employment opportunities.

- The **Shukre Commission** describes extreme poverty, the decline in agricultural income, and partitions in land holdings as reasons for the poor status of the Marathas. It also notes that 94% of farmers who have died by suicide in the state belonged to the Maratha community.
- **Inadequate Representation in Public Services:** The demand for the Maratha reservation has been fueled by concerns over access to education and employment, particularly in competitive exams where limited seats are available.
 - The **Shukre Commission** finds inadequate representation of the community in all sectors of public services and says the Marathas have remained “completely out of the mainstream” due to their backwardness.
- **Social Mobility:** Reservation for Marathas is seen as a means to facilitate upward social mobility within the community, enabling individuals from marginalized backgrounds to access overall social advancement.
 - The **Shukre commission** notes that the population of Marathas in the state is 28%, while 84 % of them are not advanced, adding that such a large backward community cannot be added to the OBC bracket.

What are the Arguments Against the Maratha Reservation?

▪ Lack of Social and Economic Backwardness :

- Marathas historically held significant land ownership and political power. Critics argue they may not meet the criteria for reservation as socially and economically backward.
- Marathas own over 75% of the land in the State as well as 86 of the 105 sugar factories besides controlling about 55% of educational institutions and over 70% of cooperative bodies.
- Marathas have dominated the political landscape with 11 of the 20 Chief Ministers coming from the community, and over 60% of all the members of the Legislative Assemblies of Maharashtra have been Marathas since 1962

▪ Need for a Detailed Inquiry :

- The Commission concluded its survey within a span of 9 days (from January 23 to January 31, 2024). However, as the report has not been made public, there is little information available regarding the sample design, the questionnaire used, or the methodology employed for data analysis.
- The bill declares Marathas to be socially and educationally backward, but the details available from the Shukre Commission’s report, seem to primarily emphasize the community's economic backwardness. Almost nothing concrete is available about their social and educational backwardness.
- The inferences drawn by the commission in the report are that 84% of the Marathas fall in the non-creamy layer, 21.22% of Maratha families are below the poverty line, and 94% of the farmers who have committed suicide are Marathas. All three are contentious claims.

▪ Legal Concerns:

- Maharashtra currently has a reservation of 52%, including various categories such as SC, ST, OBC, Vimukt Jati, Nomadic Tribes, and others. With the addition of 10% reservation for the Marathas, the total reservation in the state will now reach 62%.
- Extending reservations beyond the 50% cap set by the Supreme Court raises legal concerns.
- Given the history of previous Maratha reservation attempts facing legal challenges and eventual setbacks in higher courts, doubts persist about the new Bill's ability to withstand judicial scrutiny, especially in light of the Supreme Court's previous ruling striking down Maratha reservations due to insufficient empirical data justifying quota extension beyond the 50% ceiling.

▪ The Kunbi Certificate Controversy:

- A draft notification proposing recognition of "sage soyare" (extended relatives of Marathas with Kunbi lineage) as Kunbi, eligible for OBC reservation, stirred controversy.
 - Opposition parties have raised questions about the viability of the new reservation and its potential impact on existing OBC reservations.

▪ Political Motivations:

- Some critics question the timing and political motivations behind the push for the Maratha reservation.
- They argue the decision may be driven by electoral considerations rather than genuine concerns for social justice.

What Should be the Way Forward?

- **Need for a Comprehensive Socio-economic Census :**
 - Addressing demands of politically dominant groups such as the Marathas, which have stratifications due to significant intra-community variations in terms of income and educational outcomes, suggests a case for a comprehensive socio-economic census.
 - Such a census will establish the true nature of backwardness and discrimination across States and could even clarify a new means of providing affirmative action based on the data while staying true to principles of social justice.
- **Evidence-Based Legislation:** Ensure that the Maratha Reservation Bill is legally sound and withstands judicial scrutiny by providing robust empirical data to justify the reservation beyond the 50% quota ceiling set by the Supreme Court.
- **Need for Comprehensive Approach:**
 - While reservation may address immediate concerns, it may not effectively address the root causes of Maratha's backwardness.
 - Increasing more employment opportunities is often considered more essential than expanding reservation policies.
 - The government should adopt integrated policies that combine reservation with targeted welfare programs, skill development initiatives, and infrastructure projects to ensure holistic development for Marathas.
- **Ensure Fair Competition without Discrimination :**
 - Ensuring that all individuals are treated fairly and without discrimination is a fundamental aspect of promoting equality. This means that people should not face disadvantages or privileges based on their background, such as their parents' status.
 - Encouraging competition on a level playing field, where individuals have equal opportunities to succeed based on their skills, abilities, and efforts, is crucial. This promotes excellence by motivating individuals to strive for their best.
- **Balancing the Reservation and Merit:** While giving reservations to the communities, the efficiency of the administration has to be looked upon too. Reservation beyond the limit will lead to ignorance of the merit, which will disturb the entire administration.
 - The main purpose of reservation is to address the issue of historical wrongs done to the less advantaged communities but the merit beyond a certain point must not be neglected too.

Conclusion

The reservation policy serves as a crucial tool for fostering a strong and inclusive society in India, but its effectiveness hinges on its ability to genuinely uplift the most marginalized sections of society. However, when reservation benefits are misused or manipulated for personal gain, it can undermine the integrity of the policy and perpetuate inequalities.

By focusing on the genuine welfare of the downtrodden and implementing complementary measures for socio-economic empowerment, India can move towards a future characterized by equality, opportunity, and prosperity for all.

Drishhti Mains Question:

The effectiveness of the reservation policy hinges on its ability to genuinely uplift the most marginalized sections of society. Examine this statement in the context of the Maharashtra State Reservation for Socially and Educationally Backward Classes Bill, 2024.

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Prelims

Q. What was the immediate reason for Ahmad Shah Abdali to invade India and fight the Third Battle of Panipat? (2010)

- (a) He wanted to avenge the expulsion by Marathas of his viceroy Timur Shah from Lahore
- (b) The frustrated governor of Jullundhar Adina Beg Khan invited him to invade Punjab
- (c) He wanted to punish the Mughal administration for non-payment of the revenues of the Chahar Mahal (Gujarat, Aurangabad, Sialkot & Pasrur)
- (d) He wanted to annex all the fertile plains of Punjab up to the borders of Delhi to his kingdom

Ans: A

Mains

Q. Whether the National Commission for Scheduled Castes (NCSC) can enforce the implementation of constitutional reservation for the Scheduled Castes in the religious minority institutions? Examine. (2018)

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