



# Maratha Reservation Struck Down: SC

## Why in News

Recently, the [Supreme Court \(SC\)](#) declared a [Maharashtra law](#) which provides [reservation benefits to the Maratha](#) community, taking the quota limit in the State in excess of 50%, as unconstitutional.

## Key Points

### ▪ Background:

- **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 SC stayed its implementation and **referred the case to Chief Justice of India for a larger bench**.

### ▪ Current Ruling:

#### ◦ Violation of Fundamental Rights:

- A separate reservation for the Maratha community violates [Articles 14 \(right to equality\) and 21 \(due process of law\)](#).
- Reservation breaching the 50% limit **will create a society based on “caste rule”**.

- 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.

#### ◦ No Further Benefits:

- **Appointments made under the Maratha quota** following the Bombay High Court judgment endorsing the State law **would hold**, but **they would get no further benefits**.

#### ◦ Deprived States of the Power to Identify SEBCs:

- There will **only be a single list of SEBC with respect to each State and Union Territory notified by the President** of India, and that **States can only make recommendations** for inclusion or exclusion, with any subsequent change to be made only by Parliament.
- The Bench unanimously **upheld the constitutional validity** of the [102<sup>nd</sup>](#)

**Constitution Amendment** but differed on the question whether it affected the power of states to identify SEBCs.

◦ **Direction to NCBC:**

- Asked the **National Commission for Backward Classes (NCBC)** to expedite the **recommendation of SEBCs** so that the President can publish the notification containing the list of SEBCs in relation to States and Union Territories expeditiously.

**102<sup>nd</sup> 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.

**Source:TH**

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