



Maratha Reservation Bill

For Prelims: Socially and Educationally Backward Classes (SEBC), [Maratha Reservation](#), [Articles 15](#)

For Mains: Constitutional provisions related to the Socially and Educationally Backward Classes, Reservation

[Source: IE](#)

Why in News?

The **Maharashtra Assembly** recently passed the **Maharashtra State Reservation for Socially and Educationally Backward Classes Bill 2024**, setting aside **10% reservation for the [Maratha community](#)** in jobs and education under socially and educationally backward categories.

What are the Highlights of the Maratha Reservation Bill?

- The Maharashtra State Reservation for Socially and Educationally Backward Classes Bill 2024, drafted based on a **Maharashtra State Backward Class Commission report**.
 - This report identified the **Marathas as socially and educationally backward**, justifying the need for reservation.
- 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.
- The Bill ensures that the principle of **creamy layer is applicable**, restricting reservation to those **Marathas who are not in the creamy layer category**, thereby targeting the **most marginalized within the community**.
- 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 \(Indira Sawhney judgement\)\(1992\)](#).
 - 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%**.

Background of the Maratha Reservation

- **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.**
 - Subsequently, the Supreme Court struck down the quota entirely in May 2021, citing insufficient **empirical data to justify exceeding the 50% quota ceiling.**
 - 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' populations into mainstream said **50% rule can be relaxed.**
- **Maharashtra State Backward Class Commission:**
 - The Maharashtra State Backward Class Commission, led by Justice (retd) **Sunil B Shukre**, was established in December 2023 to reassess the Maratha reservation issue.
 - 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 into the OBC bracket.**
 - The Commission cites **extreme poverty, agricultural income decline, and land holding partitions** as reasons for the Maratha community's plight. Additionally, it highlights that **94% of farmer suicides in the state are from the Maratha community.**
 - The Commission notes **inadequate representation in public services**, attributing it to the community's backwardness.
 - It recommends **separate reservations to increase Maratha representation** in government jobs and developed sectors.

What are the Arguments in Favour and Against the Maratha Reservation Bill?

- **Arguments in Favour:**
 - **Socio-Economic Backwardness:**
 - The empirical data collected by the Shukre Commission underscores the socio-economic challenges faced by the Maratha community, justifying the need for a reservation to **uplift them from poverty and marginalisation.**
 - The high percentage of farmer suicides among Marathas highlights the severity of their economic distress and the urgent need for targeted interventions to uplift the community.
 - **Representation:**
 - Marathas have historically been excluded from mainstream opportunities due to their backwardness. Reservation in government jobs and education can **enhance their representation and participation** in various sectors, contributing to inclusive development.
- **Arguments Against Maratha Reservation:**
 - **Legal Viability:**
 - 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.
- **Dissent within the Maratha Community:**
 - Some activists and leaders within the Maratha community expressed dissatisfaction with the separate reservation, preferring inclusion within the OBC category.
- **Need for Comprehensive Approach:**
 - While reservation may address immediate concerns, it may not effectively address the root causes of Maratha's backwardness. A holistic approach addressing issues like education, skill development, and infrastructure is essential for sustainable development.

Way Forward

- 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.
- 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.
- Sustainable development initiatives addressing the **root causes of backwardness** should be prioritised over short-term considerations, aiming for **inclusive growth and social justice for all communities**.
- Promote social cohesion and inclusivity by fostering understanding and support for affirmative action measures aimed at addressing historical injustices and promoting equity.

UPSC Civil Services Examination, Previous Year Questions (PYQs)

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)**

PDF Reference URL: <https://www.drishtiias.com/printpdf/maratha-reservation-bill>