



Maratha Quota

 drishtiias.com/printpdf/maratha-quota

Why in News

The **Supreme Court** (SC) is set to commence the final hearing on the batch of **Special Leave Petitions** (SLPs-**Article 136**) against **Maratha reservation in Maharashtra** on a daily basis through video-conferencing.

The apex court will also hear a petition challenging admission to postgraduate medical and dental courses under the quota in the state.

Key Points

- The SLPs **challenged the Bombay High Court (HC) decision**, which **upheld the constitutional validity of the Maratha quota** under the state's **Socially and Educationally Backward Classes (SEBC) Act, 2018**.
The SEBC Act provides for **reservation of seats for admission in educational institutions** in the state and for **reservation of posts for appointments in public services** and posts under the state.
- Maharashtra is **one of the few states which have more than 50% reservation**.
 - **Tamil Nadu, Haryana and Telangana** also exceed the reservation cap.
 - **Indra Sawhney case 1992** ruled that the **total reservation for backward classes cannot go beyond the 50% mark**.

- **Background:**

- A group of aspiring medical students **challenged the constitutional validity of an amendment to the SEBC Act, 2018** allowing Maratha reservation for 2019-2020 admissions to MBBS courses.
- In July 2019, the **Bombay HC dismissed** the petition.
- The **SC refused to stay the judgement** and have, time and again, refused to put an interim stay on the quota.
- Recently, the **SC refused to grant interim stay on a plea** by medical students, seeking a direction that the **12% quota not be made applicable for admissions** in postgraduate medical and dental courses for the **academic year 2020-21**.

- **Marathas:**

- It is a **politically dominant community in Maharashtra** comprising mainly **peasants and landowners** and forms **nearly one-third of the population** of the state.
Majority of the Chief Ministers of the state have been from this community since the formation of the state in 1960.
- Marathas are **mostly Marathi-speaking** but not all Marathi-speaking people belong to the Maratha community.
- Historically, they have been **identified as a 'warrior' caste** with large land-holdings.
- While the division of land and agrarian problems over the years have led to a decline of prosperity among the middle class and lower-middle-class Marathas, the community **still plays an important role in the rural economy**.

- **Bombay High Court Ruling:**

- In **July 2019**, it ruled that the **16% quota granted by the state was not 'justifiable' and reduced it to 12% in education and 13% in government jobs**, as recommended by the 11-member **Maharashtra State Backward Class Commission (MSBCC)**.
- The limit of the reservation **should not exceed 50%** but in **exceptional circumstances and extraordinary situations, this limit can be crossed** subject to availability of quantifiable and contemporary data reflecting backwardness, the inadequacy of representation and without affecting the efficiency in administration.
- While the **backwardness of the community** was not comparable with Scheduled Castes (SCs) and Scheduled Tribes (STs), it was **comparable with several other backward classes**, which find a place in the list of Other Backward Classes (OBC) pursuant to the **Mandal Commission**.

- **Findings of Maharashtra State Backward Class Commission:**
 - It surveyed about 45,000 families from two villages from each of 355 talukas with more than 50% Maratha population.
 - **Social Backwardness:**
 - 76.86% of Maratha families are engaged in agriculture and agricultural labour for their livelihood.
 - Nearly 70% reside in Kachha dwellings.
 - Only 35-39% have personal tap water connections.
 - During 2013-2018, total 13,368 farmers committed suicides and 23.56% of them were Marathas.
 - 88.81% of Maratha women are involved in physical labour for earning a livelihood, besides their physical domestic work.
 - **Educational Backwardness:**

13.42% of Marathas are illiterate, 35.31% primary educated, 43.79% Secondary and Higher Secondary educated, 6.71% undergraduates and postgraduates and 0.77% technically and professionally qualified.
 - **Economic Backwardness:**
 - 93% of Maratha families have an annual income of Rs. 1 lakh, which was below the average income of middle-class families.
 - 37.38% of families were **Below Poverty Line** (BPL) against the state average of 24%.
 - 71% own less than 2.5 acres of land, whereas only 2.7% of big farmers own 10 acres of land.
 - The commission **submitted its report on 15th November 2018** in which it established that the **Maratha community is socially, economically and educationally backwards** and also **established inadequacy of representation of the Maratha community in public employment** in the state.
- **Existing Total Reservation in Maharashtra:**
 - Following the **2001 State Reservation Act**, the total reservation was **52%**.
 - This included quotas for SCs (13%), STs (7%), OBCs (19%), Special Backward Class (2%), Vimukta Jati (3%), Nomadic Tribe B (2.5%), Nomadic Tribe C-Dhangar (3.5%) and Nomadic Tribe D-Vanjari (2%).
 - The quotas for Nomadic Tribes and Special Backward Classes have been carved out of the total OBC quota.
 - With the **addition of 12-13% Maratha quota**, the total reservation in the state is **64-65%**.
 - The **10% Economically Weaker Sections** (EWS) quota is **also effective** in the state.

Source: IE