



# 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>