



EDITORIAL ANALYSIS

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The Maratha quota demand

Syllabus: GS2/ Mechanisms, Laws, Institutions & Bodies for Protection & Betterment of these Sections

In News

- As Maratha quota protests intensify in Maharashtra, the state government has formed a panel of judges to advise it on the legal battle over the issue in the Supreme Court.

Who are the Marathas?

- The Marathas are a **group of castes comprising peasants and landowners** among others constituting **nearly 33 percent** of state's population.
 - While most Marathas are Marathi-speaking, not all Marathi-speaking people belong to the Maratha community.
- This **politically dominant community** in the state comprises nearly one-third of the population of the state.
 - Historically, they have been identified as a **'warrior' caste** with large land holdings.
 - Since the formation of Maharashtra state in 1960, **of its 20 chief ministers, 12** (including the present Chief Minister) have been from the Maratha community.
- While **division of land and agrarian problems** over the years have led to a decline of prosperity among middle class and lower middle-class Marathas, the community **still plays an important role in the rural economy**.

The demand for reservation

- **Beginning:**
 - The Marathas have been demanding reservation in government jobs and educational institutions for a long time.
 - The first protest was held 32 years ago.
 - Since 1981, Maratha reservation has become an integral part of politics in the state and a **cause for mass protests**.
- **Ordinance pronouncing reservation to Marathas:**
 - **In 2014**, the then government in the state brought an **ordinance pronouncing 16 per cent reservation to Marathas** in government jobs and education.

- It was based on the then **Narayan Rane Committee recommendations.**
- **Maharashtra State Backward Class Commission (MSBCC):**
 - The commission was headed by M G Gaikwad.
 - The 11 member commission surveyed nearly 45, 000 families from two villages from each of 355 talukas with more than 50 per cent Maratha population.
 - The report submitted on November 15, 2018 said the Maratha community is socially, economically and educationally backward.
- **Socially and Educationally Backward Class (SEBC) Act:**
 - In 2018, based on the **findings of the Maharashtra State Backward Class Commission (MSBCC)**, the government gave its nod for reservation to Marathas under a special provision – **Socially and Educationally Backward Class (SEBC) Act.**

Rationale behind reservation system in India

- Reservation is one of the techniques used to combat social oppression and discrimination against specific groups who have been repressed in the past.
- Reservation, also known as affirmative action, aids in the upliftment of underprivileged groups.
- To make amends for the historical injustices suffered by the country's lower castes and to level the playing field for the underprivileged, who are unable to compete with those who have had access to wealth and means for centuries.
- To ensure that meritocracy is based on equality, all people must be raised to the same level before being judged on merit.

Bombay High Court verdict in 2019

- **Constitutional validity of SEBC Act:**
 - In June 2019, the Bombay High Court upheld the constitutional validity of the Maratha quota under the Socially and Educationally Backward Classes (SEBC) Act, 2018.
 - While ruling that the **16 per cent quota granted by the state was not 'justifiable,'** the HC **reduced it to 12 per cent in education and 13 per cent in government jobs,** as recommended by the Maharashtra State Backward Class Commission.
 - The court relied on the findings of the Maharashtra State Backward Class Commission (MSBCC).
- **Crossing 50% limit:**
 - The HC, however, said that the limit of reservation should not exceed 50%.
 - However, in exceptional circumstances and extraordinary situations, this limit can be crossed.

Supreme Court's position on Maratha Reservation

- **Invalidation of reservation:**
 - The SC found **there was no "exceptional circumstances" or "extraordinary situation"** in Maharashtra for breaking the 50 per cent ceiling limit.
 - It also **struck down the findings of the Gaikwad Commission (MSBCC),** leading to the enactment of Maratha quota law, and **set aside the Bombay High Court judgment,** validating the SEBC Act.
- **Violation of Art 14:**
 - It held that a separate reservation for the Maratha community violates Articles 14 (Right to Equality) and Article 21 (Due Process of Law).
- **Fixing the limit at 50 per cent:**
 - The SC declined to re-visit its 1992 **Indira Sawhney judgment,** which fixed the reservation limit at 50 per cent.

Indira Sawhney judgment

- The Indira Sawhney case is also known as the Mandal Commission case. In this case, the Supreme Court stated that:
 - Backward Classes of the Citizens of in **Article 16(4)** can be identified on the **basis of caste and not only on the economic basis.**
 - The Supreme Court upheld the **Mandal Commission's 27 percent quota** for backward classes, as well as the principle that the combined scheduled-caste, scheduled-tribe, and backward-class beneficiaries **should not exceed 50 percent of India's population.**
 - Reservation for backward classes should be **confined to initial appointments only and not extend to promotions.**
 - State governments were called upon to **identify creamy layer** amongst the backward classes and exclude them from the purview of reservation.

SC's EWS verdict & Current position on Maratha reservation

- In November 2022, SC upheld the 10 percent quota for the Economically Weaker Sections.
 - The court concluded that the 50% ceiling limit, though held attached to the constitutional requirements, was **neither “inflexible nor inviolable for all times to come”**.
- The state government said that until the issue of Maratha reservation is resolved, economically weaker members of the community can benefit from the EWS quota.
 - The government had also said that a new dedicated panel will be formed for a detailed survey of the ‘backwardness’ of the community.

Way ahead

- Allocating quotas often result in more cases of discrimination and hard feelings towards other communities. The purpose of reservation is not to isolate a particular section but to make them part of mainstream society.
- The policy makers while dealing with sensitive matters like Reservation policies must act wisely.

Mains Practise Question

[Q] What is the rationale behind the reservation system in India? How the Supreme Court's (SC) judgement on Economically Weaker Sections (EWS) impact Maratha's demand of reservation ?