Maratha Quota

Why in news?

The Supreme Court (SC) will hear petitions challenging the Maratha quota.

What are the petitions about?

- The petitions challenge the reservation granted to the Maratha community in education and jobs in Maharashtra.
- They challenge the June 2019 Bombay High Court (HC) decision that upheld the constitutional validity of the Maratha quota.
- [This reservation was given under the Socially and Educationally Backward Classes (SEBC) Act, 2018.]
- The SC will also hear a petition challenging admission to postgraduate medical and dental courses under the quota in the state.

Who are the Marathas?

- The Marathas are a group of castes comprising peasants, landowners among others.
- Not all Marathi-speaking persons belong to Maratha community.
- A politically dominant community in Maharashtra, it comprises nearly one-third of the population of the state.
- Historically, Marathas have been identified as a 'warrior' caste with large land-holdings.

What did the Bombay HC rule?

- In 2019, a division bench commenced hearing in petitions filed by advocate Jishri Laxmanrao Patil and others.
- The Bombay HC held that the limit of reservation should not exceed 50%.
- It ruled that the 16% quota granted by the state was not 'justifiable'.
- It reduced the quota to 12% in education and 13% in government jobs.
- For this, the court relied on findings of the 11-member Maharashtra State Backward Class Commission (MSBCC).
- It also said that in exceptional circumstances and extraordinary situations, this 50% limit can be crossed.
- This limit should be subject to availability of contemporaneous data reflecting backwardness, inadequacy of representation and without affecting

the efficiency in administration.

- The Court had said that while the backwardness of the community was not comparable with SCs and STs.
- It was comparable with several other backward classes (OBCs), which find place in the list of OBCs pursuant to the Mandal Commission.

What is MSBCC?

- The MSBCC surveyed about 45,000 families from two villages from each of 355 talukas with more than 50% Maratha population.
- It reported that the Maratha community is socially, economically and educationally backward.
- The HC observed that the Commission had conclusively established the backwardness of the community.
- It had also established inadequacy of representation of the Maratha community in public employment in the state.

What is the existing reservation in Maharashtra post HC verdict?

- In Mandal Commission case 1993, the SC had ruled that total reservation for backward classes cannot go beyond the 50%-mark.
- Maharashtra is one of the few states that are an exception to this.
- Following the 2001 State Reservation Act, the total reservation in the state was 52%.
- Along with the 12-13% Maratha quota, the total reservation is 64-65%.
- The 10 % Economically Weaker Sections (EWS) quota announced by the Centre is also effective in the state.

How challenges to Maratha quota have been dealt by the courts?

- The Bombay HC dismissed a petition filed by a group of aspiring medical students.
- This petition challenged the constitutional validity of amendment to the SEBC Act that allows Maratha reservation for 2019-20 admissions to MBBS courses.
- In 2019, the SC refused to stay the Bombay HC judgement, which had upheld the validity of the reservation.
- It had clarified that the reservation will not have retrospective effect.
- Thereafter, the SC has refused to put an interim stay on the quota.

Source: The Indian Express



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