Maratha Quota Demand

Why in news?

Recently, an activist Manoj Jarange Patil has been demanding a blanket reservation in education and government jobs for all Marathas in the State.

Who are Marathas?

- The Marathas comprise mainly peasant and landowning groups who make up almost a *third of the population of Maharashtra*.
- Most Marathas speak Marathi, though not all Marathi-speaking people are Marathas.
- The Marathas have been the *politically dominant* community in Maharashtra, 12 of its 20 Chief Ministers have been Marathas.
- The division of holdings and problems in the farm sector over the years have led to a decline in the prosperity of middle- and lower middle-class Marathas.

Currently, Maharashtra provides 52% reservation for different communities.

What is the issue with demand of Maratha quota?

- **Reservation demand**- Marathas have been demanding reservation in jobs and education under OBC category for decades.
- **Legal challenges**- Supreme Court struck down the State's *Socially and Economically Backward Classes Act 2018* which granted 16% quota to the Marathas.
- **State's response**- Maharashtra government has filed a curative petition and plans to conduct a backwardness survey of the community.
- **Issue -** Marathas want to be identified as Kunbis a sub caste that already gets OBC reservation.
- ***Justice Sandeep Shinde Committee*** was appointed to decide the procedure for granting Kunbi caste certificates to Marathas.
- The government has also accepted the first report of the committee and issued a Government Resolution.
- **Counter-protests**- The OBC community and the Dhangar community have opposed the Maratha quota demand and threatened to launch their own agitations.

How the Maratha reservation law evolved?

Committee	Opinion on Reservation for Maratha

Kaka Kalelkar commission, 1955	• Apart from Brahman, the Maratha claimed to have dominated all other communities in Maharashtra. • Hence the commission *did not recognise* *Maratha as a backward class* community in the state of Bombay.
B.D.Deshmukh Committee, 1964	• The committee *did not find Maratha as backward class*.
Mandal Commission, 1979	• National Commission for Backward Classes held that Marathas are not a socially and educationally backward class community, but rather a socially advanced and prestigious community.
Rane Commission, 2014	• It recommended a *special reservation for the Maratha caste* under Articles 15(4) and 16(4) of the Indian Constitution.
Justice M.G. Gaikwad Commission, 2017	• It recommended Maratha people to be designated as a *Social and Economic Backward Class* (SEBC) of citizens with insufficient representation in services. • Based on the report, *Maharashtra SEBC Act* was enacted in 2018.

Why Supreme Court struck down the SEBC Act 2018?

- **Unconstitutional-** The Act exceeds the 50% ceiling limit imposed on reservations in *Indra Sawhney v. Union of India.*
- **Lacks data**- The Act provides reservation on the basis of the *Justice Gaikwad Commission report*, which lacks reliable, scientific, and adequate data to justify either the backwardness of Marathas or the extraordinary condition of increasing reservations in Maharashtra from 52% to 68%.
- **Violates fundamental rights**- The Act establishes a separate reservation category for Marathas outside the OBC category, *infringing* on *Articles 14, 16, and 19* of the Constitution by bestowing special benefits on them.
- **Violates 102nd Constitution (Amendment) Act**- The Act was passed without adhering to the procedures outlined in this Act.
    - *President* alone is empowered to identify SEBCs and include them in a list to be published under ***Article 342A (1).***
    - The *States can only make suggestions* to the President of the Commission under ***Article 338B*** (National Commission for Backward Commission).

References

1. The Hindu- Maratha quota agitation
2. Indian Express- Explained Maratha quota demand

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