

MARATHA RESERVATION AND THE CONSTITUTION: NAVIGATING THE LINE BETWEEN EQUITY AND POLITICS

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Abstract

The recent enactment of the Maharashtra State Reservation for Socially and Educationally Backward Classes Bill, 2024, which grants a 10 percent reservation to the Maratha community in government jobs and educational institutions, has once again brought the contentious issue of caste-based reservations to the forefront of legal and political discourse in India. This legislation, supported by the Maharashtra Backward Class Commission seeks to address perceived socio-economic disadvantages within the Maratha community. However, it directly challenges the constitutional framework established by the Supreme Court in *Jaishri Laxmanrao Patil v. State of Maharashtra* (2021), where the Maratha quota was invalidated for breaching the 50 percent reservation cap laid down in the landmark judgment of *Indra Sawhney v. Union of India* (1992). This paper provides a comprehensive analysis of the historical evolution of Maratha reservations, the constitutional limitations imposed by judicial precedents, and the implications of recent constitutional amendments, including the 102nd and 103rd Amendments. Further, it critically evaluates the political motivations behind extending reservations to socially and educationally progressive but electorally significant communities such as the Marathas, assessing the tension between the principles of social justice and equality of opportunity enshrined in Articles 15 and 16 of the Indian Constitution. The study underscores the need for a nuanced and data-driven approach to affirmative action, ensuring that reservation policies serve their original purpose of uplifting historically marginalized groups without compromising constitutional safeguards or diluting the ethos of social equity.

Keywords: Maratha Reservation, Constitutional Validity, Fundamental Rights.

1. Introduction

The Constitution of India, through Articles 15(4) and 16(4), empowers the State to make special provisions for the advancement of socially and educationally backward classes (SEBCs). However, the scope of these provisions has evolved through significant constitutional amendments and judicial scrutiny. The Supreme Court's decision in *Jaishri Laxmanrao Patil* (2021) declared the SEBC Act, 2018 unconstitutional for breaching the 50 percent cap laid down in *Indra Sawhney* (1992), while also ruling on the diminished authority of states

post the 102nd Constitutional Amendment. The reintroduction of Maratha reservations through a 2024 bill invites scrutiny on both legal and political fronts.

2. Historical Overview of Maratha Reservation

The demand for Maratha reservation has a long and complex history, rooted more in socio-political mobilization than in consistent or comprehensive empirical evidence of backwardness. The movement gained significant momentum in the early 2010s, culminating in the Maharashtra government's

issuance of an ordinance in 2014 that granted a 16 percent reservation quota to the Maratha community in education and government employment. This policy was subsequently formalized through the Socially and Educationally Backward Classes (SEBC) Act of 2018, which was enacted following the recommendations of the Gaikwad Commission tasked with assessing the community's social and educational status. The Commission's report claimed that Marathas faced considerable social and educational disadvantages, justifying the need for affirmative action. However, the judiciary's response to this legislative attempt has been cautious and critical. In *Shivaji Patil v. State of Maharashtra* (2019), the Bombay High Court upheld the validity of the SEBC Act but reduced the reservation quota to 12 percent in educational institutions and 13 percent in public employment, signaling judicial concerns over the proportionality and justification of the original percentages. The final verdict came from the Supreme Court in *Jaishri Laxmanrao Patil v. Chief Minister of Maharashtra* (2021), where the Court decisively struck down the Maratha reservation law. The apex court reasoned that the Maratha community did not qualify as a socially and educationally backward class under constitutional criteria. More importantly, the Court underscored that the 50 percent ceiling on reservations, as established in the landmark *Indra Sawhney* case, could not be breached without extraordinary circumstances, which were absent in this case. The judgment highlighted critical flaws in the Gaikwad Commission's report, noting it lacked scientific rigor and was statistically unsound, thus failing to provide a robust empirical basis for extending reservation benefits. The Supreme Court's judgment aligns with foundational constitutional principles articulated by Dr. B.R. Ambedkar during the Constituent Assembly debates. Ambedkar warned against excessive reservation, cautioning that it should remain a minority proportion so as not to undermine the principle

of equality of opportunity enshrined in the Constitution (7 Constituent Assembly Debates 701–702). This balancing act between remedial affirmative action and equality remains central to the Court's approach, ensuring that reservation policies serve as temporary measures for genuine social upliftment rather than instruments of political expediency. Thus, the Maratha reservation saga illustrates the ongoing tension between popular demands for caste-based quotas and the constitutional imperative of adhering to evidence-based, equitable policy frameworks.

3. Constitutional Challenges Post the 102nd Amendment

The 102nd Constitutional Amendment, which came into force in 2018, inserted Article 338B (establishing the National Commission for Backward Classes) and Article 342A, mandating that only the President, in consultation with the NCBC, can notify SEBCs.

In *Jaishri Patil*, the Supreme Court interpreted this to mean that states lost their power to independently identify SEBCs, despite the Attorney General's argument that legislative intent preserved state authority.

"Post the 102nd Amendment, it is only the President who has the power to notify backward classes, thereby limiting the role of state governments." – *Jaishri Patil*, (2021)

This creates a federal tension—between Centre and States—on social justice policy, and raises concerns of constitutional rigidity versus the need for regional autonomy.

4. The Maratha Community and the "Progressive Caste" Debate

The Gaikwad Commission, appointed by the Maharashtra government, justified the reservation for the Maratha community by highlighting their purported under-representation in higher education and public employment sectors. However, the Supreme Court, in its judgment in *Jaishri Laxmanrao Patil v. Chief Minister of Maharashtra* (2021), critically examined this data and found the claims to be

misleading and insufficient to warrant reservation. Specifically, Paragraph 292 of the judgment observed that the Maratha community held significant representation in key spheres such as politics, administration, and the economy, which contradicted the narrative of systemic backwardness presented by the Commission. This finding underlined that reservation policy must be anchored in empirical evidence demonstrating genuine social and educational backwardness, rather than assumptions based on political or social aspirations. Legal scholars, including Dr. Faizan Mustafa, have critiqued the move as driven more by political considerations than constitutional principles. Dr. Mustafa contends that extending backward class status to politically dominant castes like the Marathas risks undermining the foundational intent of affirmative action as envisaged under Articles 15(4) and 16(4) of the Constitution. These provisions were designed to address structural inequalities faced by historically marginalized groups, not to extend benefits to influential communities seeking electoral advantage. The inclusion of dominant castes under the backward classes category could distort the purpose of reservations, converting what should be a remedial measure into a tool of political appeasement.

This perspective is consistent with the Supreme Court's ruling in the landmark *Indra Sawhney v. Union of India* (1992 Supp (3) SCC 217) case, where the Court explicitly held that socially advanced and politically powerful castes cannot claim backward class status. The Court emphasized that reservation policy must aim at correcting "structural discrimination" rather than rewarding communities based on their political clout or economic standing. Dr. Mustafa succinctly captures this principle, stating, "The purpose of reservation is not to reward vote banks but to remedy structural discrimination" (*LiveLaw*, 2021). This critique highlights the risk that politicization of reservation could erode the constitutional mandate of achieving

substantive equality for genuinely disadvantaged groups.

5. The 103rd Amendment and EWS Reservations

The 103rd Constitutional Amendment, enacted in 2019, introduced Articles 15(6) and 16(6), which permit the state to provide up to 10 percent reservation in government jobs and educational institutions for the Economically Weaker Sections (EWS) of society. This category specifically excludes Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs), marking a significant departure from the traditional caste-based reservation framework. In the landmark case *Janhit Abhiyan v. Union of India* (2022), the Supreme Court, by a narrow 3:2 majority, upheld the constitutional validity of this amendment. The majority reasoned that economic criteria could legitimately form the basis for affirmative action, thereby expanding the scope of reservations to address economic deprivation alongside social backwardness.

However, this amendment has attracted substantial criticism from legal scholars and social activists who argue that it fundamentally alters the original intent of the reservation system, which was designed to remedy historic social and educational disadvantages arising primarily from caste-based discrimination. Dr. Mohan Gopal, a prominent scholar on constitutional law and social justice, has argued that the EWS reservation "dilutes the social justice framework of the Constitution" by conflating economic poverty with social discrimination, which are distinct concepts. As he pointed out in *The Hindu* (2022), "Economic weakness does not equate to social discrimination, which is the basis of reservation under Article 15(4) and 16(4)." The original reservation provisions aimed to address entrenched social hierarchies and systemic exclusion faced by historically marginalized groups, factors not always reflected by income levels alone.

The introduction of the EWS quota has also triggered political and social debates, especially as it has emboldened demands from dominant and progressive castes, such as the Marathas in Maharashtra, to claim reservation benefits on the basis of economic criteria. This raises concerns about the potential erosion of the reservation system's focus on social justice. Critics warn that expanding reservation to economically disadvantaged individuals from dominant castes could blur the critical distinction between caste-based disadvantage and mere economic deprivation, thereby weakening the constitutional principle of substantive equality. If reservations increasingly rely on economic criteria without adequately addressing structural social inequalities, there is a risk that the policy will fail to uplift those who have been historically and socially marginalized.

Furthermore, the amendment has raised legal questions about the overall percentage of reservations. With the EWS quota adding 10 percent, total reservations across categories now exceed the 50 percent ceiling established in the landmark *Indra Sawhney* case, a limit which courts have traditionally upheld to maintain balance between affirmative action and meritocracy. This has fueled debates on whether the 50 percent cap should be reconsidered or retained, and whether the EWS quota's distinct basis in economic criteria justifies an exception. However, until the Supreme Court re-examines this issue in a larger bench, the principle of the 50 percent ceiling remains binding.

In sum, while the 103rd Amendment seeks to broaden the reach of affirmative action to economically disadvantaged groups beyond traditional caste categories, it simultaneously challenges the core social justice rationale that has guided India's reservation policies. The implications for communities like the Marathas, who are leveraging economic criteria to claim reservation benefits, underscore the complex interplay between legal doctrine, social equity, and political expediency in contemporary India.

6. Analysis: Political Compulsion or Constitutional Necessity?

The resurgence of Maratha reservation vividly illustrates how electoral pressures can sometimes undermine the constitutional principles that govern affirmative action in India. While the Constitution clearly mandates the upliftment of socially and educationally marginalized groups, it does not sanction the arbitrary or politically motivated extension of reservations to communities that wield significant electoral influence. The judiciary has repeatedly emphasized that reservations must be grounded in credible data, be temporary in nature, and primarily aim to address structural inequalities rather than serve political interests, as established in *M. Nagaraj v. Union of India* (2006) 8 SCC 212. Furthermore, the established 50 percent ceiling on reservations, as upheld in *Indra Sawhney v. Union of India* (1992), remains a binding constitutional limit unless explicitly altered by a constitutional amendment or a decision from a larger bench of the Supreme Court. Ignoring this limit without proper legal sanction risks eroding the rule of law and the delicate balance intended by the framers of the Constitution.

7. Conclusion

Reservation policy in India must carefully balance two often competing constitutional objectives: the pursuit of social justice for historically marginalized communities and the preservation of equality of opportunity for all citizens. While the Constitution empowers the state to implement affirmative action as a means to redress past injustices, it does not authorize arbitrary or politically motivated classification of communities for reservation benefits. The controversy surrounding Maratha reservation highlights the urgent need for a more structured and transparent approach to identifying Socially and Educationally Backward Classes (SEBC). This calls for the establishment of a national framework that mandates uniform data collection methodologies and clear criteria for SEBC classification, thereby ensuring

consistency and fairness across states. Moreover, empowering independent commissions at the state level with statutory authority to rigorously collect, analyze, and periodically update socio-economic data is critical to maintaining the credibility of the reservation system. To prevent the indefinite extension of quotas, regular reviews of reservation benefits should be institutionalized, ensuring that affirmative action remains a temporary measure targeted at genuine backwardness rather than a permanent entitlement. Additionally, any substantive deviation from the established 50 percent reservation ceiling should be preceded by a broad-based political and judicial consensus, ideally formalized through a constitutional amendment, to uphold the rule of law and safeguard the constitutional framework. Without such safeguards, reservation risks devolving into a tool of competitive populism, which can erode its original purpose of social transformation and equal empowerment.

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