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Maratha Reservation in Maharashtra: A Study of the SEBC Act 2024 through Historical Judicial Precedents

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Abstract

The Maharashtra State Reservation for Socially and Educationally Backward Classes (SEBC) Act, 2024, reignited robust debates regarding the boundaries of affirmative action, equality, and justice in India's constitutional framework. This paper critically analyses the Act's constitutionality, particularly considering the Supreme Court's reservation ceiling and evolving judicial approaches. Drawing from historical roots tracing the trajectory from the Varna system, British policy, and early reform initiatives the study illuminates how caste and class politics have shaped reservation demands. Employing doctrinal analysis, it examines the shifting identity and entitlement of the Maratha-Kunbi cluster, evaluates key commissions (Kalelkar, Bapat, Gaikwad, Shukre), and reviews the empirical data supporting the Maratha community's claim for SEBC status.

Central to the research is an assessment of evolving jurisprudence, notably the Indra Sawhney (1992) and Jaishri Patil (2021) cases, which established the 50% reservation ceiling and criteria for backwardness. The paper interrogates whether the SEBC Act justifiably exceeds this ceiling, weighing the adequacy of evidence and the principle of "extraordinary circumstances." Comparative studies explore Maharashtra's approach vis-à-vis other states such as Tamil Nadu, Rajasthan, Andhra Pradesh, and Karnataka, contrasting their legal and political strategies to extend reservations. The analysis concludes that while the SEBC Act 2024 addresses contemporary social disparities, its constitutional sustainability remains questionable given the Maratha community's political and economic dominance and deficits in empirical justification. Recommendations highlight the need for robust data, targeted welfare programs, sub-categorization, and constitutional adherence to ensure that affirmative action serves genuinely marginalized groups rather than powerful social blocs.

Keywords: Maratha Reservation, SEBC Act 2024, Constitutional Law, Affirmative Action, Judicial Precedents, Creamy Layer

Introduction

Reservation policies in India represent ongoing efforts toward social justice and inclusion of historically marginalized communities through guaranteed representation in education, employment, and politics. The Maharashtra SEBC Act 2024 exemplifies renewed attempts to address the Maratha community's demands for affirmative action, situated within the broader constitutional mandates of equality and rights for underprivileged social groups.

Historical Background of Reservation

The origin of reservation policies dates to early reformist measures by princely states such as Kolhapur under Chhatrapati Shahu Maharaj and the social hierarchical underpinnings of the Varna system¹. Colonial enumeration and the institutionalization of caste by the British further entrenched rigid social classifications, transforming flexible social divisions into political tools of governance. The Communal Award (1932), Poona Pact, and the Government of India Act 1935 laid early foundations for targeted representation for "depressed classes," culminating in constitutional provisions for SCs, STs, and OBCs after independence.

Maratha-Kunbi Identity and Reservation Entitlement

The identity of Marathas and Kunbi has historically fluctuated between agrarian and martial connotations, complicating the community's claim to backwardness and reservation. Various commissions, The Kalelkar Commission Report (1953), Justice Bapat Commission Report (2008), M.G. Gaikwad Commission Report, and Justice Shukre Committee Report (2023) have periodically assessed the Maratha community's social and educational status, with findings often marked by controversy, lack of consensus, and legal scrutiny. The shifting identification, intermarriage, and shared professions further blur lines between entitlement and social mobility.

Constitutional and Legal Analysis of the SEBC Act 2024

¹ *Historical Evolution and Constitutional Framework of Reservation in India*, <https://www.thelawadvice.com/articles/historical-evolution-and-constitutional-framework-of-reservation-in-india>.

The Maharashtra SEBC Act 2024 invokes Articles 15(4)², 16(4)³, and 342A⁴ to designate Marathas as SEBC and allot a 10% reservation, exceeding the established 50% quota ceiling. This provision draws upon the Shukre Commission's findings of social, economic, and educational deprivation, yet faces substantial judicial scepticism for allegedly insufficient empirical evidence and inadequate demonstration of "extraordinary circumstances" required for breaching the constitutional cap set by the Supreme Court in "Indra Sawhney (1992) and reaffirmed in Jaishri Patil (2021)."

Judicial Precedents and Evolving Interpretations

Judicial analysis from "State of Madras v. Champakam Dorairajan (1951)"⁵ to "Indra Sawhney and Janhit Abhiyan v. Union of India (2022)"⁶ has progressively shaped the contours of affirmative action, instituting key principles such as merit protection, exclusion of the "creamy layer," and a strict ceiling on total reservation. Exceptions to this ceiling require robust and verifiable evidence of extraordinary deprivation, a burden Maharashtra's Maratha reservation attempts have repeatedly failed to satisfy in the eyes of the judiciary.

Comparative Analysis: Maharashtra and Other States

Tamil Nadu's successful institutionalization of a 69% quota (protected under the Ninth Schedule), Rajasthan's Gujjar agitations, and the nuanced approaches of Andhra Pradesh and Karnataka highlight varied models and legal challenges in reservation implementation. In direct contrast, Maharashtra's intermittent reservation measures have faced stringent judicial intervention and political volatility, reflecting the state's struggle to balance social demands and constitutional constraints.

State	Total Reservation	Legal Safeguard	Judicial Outcome

² Article 15: Prohibition of Discrimination on Grounds of Religion, Race, Caste, Sex or Place of Birth, CONSTITUTION OF INDIA, <https://www.constitutionofindia.net/articles/article-15-prohibition-of-discrimination-on-grounds-of-religion-race-caste-sex-or-place-of-birth/>.

³ Article 16: Equality of Opportunity in Matters of Public Employment, CONSTITUTION OF INDIA, <https://www.constitutionofindia.net/articles/article-16-equality-of-opportunity-in-matters-of-public-employment/>.

⁴ Article 342A: Socially and Educationally Backward Classes, CONSTITUTION OF INDIA, <https://www.constitutionofindia.net/articles/article-342a-socially-and-educationally-backward-classes/>.

⁵ State of Madras v. Smt. Champakam Dorairajan (1951) - Reservation in Educational Institutions Case / UPSC, IAS EXPRESS (Apr. 9, 2023), <https://www.iasexpress.net/ie-pedia/state-of-madras-v-smt-champakam-dorairajan-1951/>.

⁶ Aishwarya Agrawal, *Indra Sawhney vs Union of India*, LAWBOOMI (Oct. 19, 2023), <https://lawbhoomi.com/indra-sawhney-vs-union-of-india/>.

Tamil Nadu	69%	Ninth Schedule Protection	Operational, but under Supreme Court scrutiny
Maharashtra	62%	SEBC Act (no Ninth Schedule)	Sub-judice; challenged in High Court & Supreme Court
Rajasthan	64%	None; cites EWS precedent	Partial implementation; legal stays. SC not fully upheld
Andhra Pradesh	66.66%	Combo: caste + domicile quotas	Legal challenges ongoing, especially for local quotas
Karnataka	~66% + domicile	Caste and local quota laws	Facing constitutional review; legality under question

Critical Evaluation of Empirical Data and Backwardness

A major contention remains the adequacy of survey methodology and objectivity of data supporting Maratha backwardness. Critics argue that political dominance, economic control of land, institutions, and education among Marathas undermine claims of systemic deprivation. The Shukre Commission's reliance on subjective self-perception metrics fails to conclusively justify SEBC status and reservation in comparison with existing marginalized groups.

Recommendations:

Robust Data Collection: Implement a transparent, scientific caste census to ascertain actual levels of deprivation, ensuring that policy is evidence-driven and accountable.

Targeted Welfare Programs: Replace blanket reservations with need-based, direct support scholarships, skill development, and financial aid for genuinely disadvantaged Maratha households.

Sub-Categorization: Exclude the Maratha creamy layer, ensuring only the most economically and socially disadvantaged benefit.

Strict Constitutional Compliance: Adhere to constitutional procedures and judicial review before attempting to breach reservation limits; any amendments must be rigorously researched and debated.

Judicial Oversight: Continue robust judicial scrutiny to ensure reservation policies remain tools for genuine social justice rather than vehicles for political gain.

Conclusion

While the Maharashtra SEBC Act 2024 seeks to address legitimate contemporary challenges of social inclusion and equity, its constitutional validity remains beset by substantial empirical, legal, and political obstacles. Without robust and transparent evidence distinguishing the Maratha community's deprivation from mere aspirational discontent, and in the absence of extraordinary circumstances or central approval, the Act faces a significant risk of invalidation. Future policy must prioritize data integrity, targeted welfare interventions, and abiding constitutional safeguards to maintain the credibility and fairness of India's affirmative action regime.

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7. Justice Khatri commission Report (2000)
8. Justice Bapat Commission Report (2008)
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11. Justice Shukre Committee Report (2023)