



सत्यमेव जयते

**MAHARASHTRA STATE COMMISSION FOR  
BACKWARD CLASSES  
PUNE**

**A REPORT ON  
SOCIAL , EDUCATIONAL AND ECONOMIC STATUS  
OF  
MARATHA COMMUNITY  
IN THE STATE OF MAHARASHTRA**

**VOLUME - I**

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## PREFACE

1. As any other Nation informed by reason and fired by the principles of justice, liberty, equality and fraternity, India too strives to establish an egalitarian society where each member of its citizenry is able to live with dignity and achieve the full potential.
2. The Maharashtra State Commission for Backward Classes has been entrusted with responsibility of assisting the State in achieving its goal of equal justice for all and with that aim in view the Commission has been empowered to ascertain the backwardness or otherwise of any community or class in the State. The present terms of reference have assigned to the Commission the task of examining the issue of social, educational and economical backwardness of Maratha community and possibility of its inclusion in the list of backward class by applying criteria and parameters determined by the Commission. The terms of reference, in many ways echo the sentiments of Bharat Ratna Dr. B.R. Ambedkar, the architect of the Indian Constitution who, in his speech delivered in the constituent assembly said thus :

*[W]e must begin by acknowledging first that there is complete absence of two things in Indian Society. One of*

*these is 'equality'. On the social plane, we have in India a society based on privilege of graded inequality, which means elevation for some and degradation of others. On the economic plane, we have a society in which there are some with immense wealth as against many who are living in utter poverty..... in politics, we have equality and in social and economic life, we have inequality. We must remove this contradiction at the earliest possible moment, or else those who suffer from inequality will blow up the structure of the political democracy which this Assembly has so laboriously built up."*

*(Volume II Ambedkar's Writings and Speeches 184-187)*

3. The terms of reference given to the Commission required the Commission to collect not only quantifiable and empirical data for the purpose of ascertaining the social, educational and economical backwardness of Maratha community, they also cast a duty upon the Commission to determine the criteria and parameters to be adopted in ascertaining the backwardness of Maratha community in its three dimensions such as social, educational and economic. They also obligated the Commission to define exceptional circumstances and extraordinary situations in the context of possibility of making available the benefits of reservation in conformity with the constitutional mandate to the Maratha

community.

4. In pursuance of the terms of the reference, the Commission determined the criteria and parameters and also defined exceptional circumstances and extraordinary situations in the light of constitutional provisions, the precedents set out by the Supreme Court, prevailing social customs, traditions, practices and mores and also the contemporary concept of development of any civilized society.
5. Having considered the observations of the Supreme Court in the case of *Dr Jaishri Patil V/s. Hon'ble Chief Minister (2021) 8 SCC 1*, the Commission took the decision of carrying out scientific and empirical survey based on large sample selection spread across the entire population of Maharashtra with a view to collect such contemporaneous and objective data as would enable the Commission to make an impartial analysis of the three dimensional aspect of backwardness of Maratha community. For this purpose, it was decided to adopt the methodology of scientifically collecting primary and secondary data and relevant research material. For effective survey, a questionnaire to have a structured interview of the members of the target group was

prepared. In order to streamline the exercise and ensure seamless survey, which itself was a humongous task, given the projected population of the State of Maharashtra to be at around 12.57 Crore in 2023-2024 divided into about 2.4 Crore households, if average family size is taken to be of 4.7 persons, the Commission availed the services of Gokhale Institute of Politics and Economics, Pune, a well-established institute of repute in the field of socio-economic survey and analysis. An application based upon the most technologically advanced software was developed by the Gokhale Institute and after giving of appropriate training to enumerators, the field survey was carried out and finished within the timeline set out with near perfection. A monstrous task as it was, it could not perhaps be finished unless there was huge support from the Government machinery comprising nearly all its departments, including the Revenue Department and the enthusiasm of the enumerators. All in all, the work of survey done in pursuance of the terms of reference of the Commission was a team effort of which each component from the members and staff of the Commission through team from Gokhale Institute and Divisional Commissioners, Collectors, Municipal Commissioners, officers of Municipal Councils and local bodies,

other officers and staff of the Government and local bodies to the enumerators making it's respective contribution to complete the survey.

6. Gigantic data, to the credit of expert team of the Gokhale Institute, was crystallised most efficiently and as speedily as possible and was placed before the Commission in the nature of its report by the Gokhale Institute. The Commission analysed the report and considered the result of the analysis together with the secondary and other quantifiable data. Upon such consideration and applying the parameters determined by the Commission for itself keeping in mind the constitutional provisions, Supreme Court judgments and expert opinion that the Commission has made this Report.

Hope, it fulfils the aspirations of people of Maharashtra and meets the constitutional ideals and goals.

## ACKNOWLEDGEMENT

7. The Commission hereby acknowledges efforts, cooperation and help of the following:

- (i) Government of Maharashtra.
- (ii) All concerned departments of Government, Universities, Educational Institutions, officers and employees of Mantralaya.
- (iii) All Divisional Commissioners, Collectors, Municipal Commissioners, officers of Municipal Councils and local bodies, Sub-Divisional Offices, Tahsildars, Nayab Tahsildars, Talathis, Zonal Offices, all other staff members, enumerators and respondents who spared their valuable time for interview sessions and rendered their co-operation in completing the survey
- (iv) Academic professionals and experts.
- (v) Gokhale Institute of Political Science and Economics and its staff members.
- (vi) Information Technology Institute of AISSM, Pune.

- (vii) Esteemed members of Maharashtra State Commission for Backward Classes, Pune.
- (viii) All officers and staff members of Maharashtra State Commission for Backward Class. Pune.
- (ix) All those who have rendered their help and cooperation in making this Report.

## CHAPTER - I

### A CANVASS OF RESERVATION AN INTRODUCTION

8. India is a country of diverse people and religion. Some people have fared better than the others and therefore the concept of reservation was introduced in the system to bring at par the marginalized and backward classes of the people. The system of reservation in India is designed to promote, or provide opportunities to the various legislatures, to government jobs, and to enrolment in higher educational institutions, and can be regarded as a type of affirmative action policy. The reservation nourishes the historically disadvantaged and tribes listed as Scheduled Castes and Scheduled Tribes and also those designated as socially and educationally Backward Classes and also the economically backward in general. It is intended to realize the promise of equality enshrined in the Constitution. The Primary objective of the reservation system in India is to enhance the social and educational status of the underprivileged communities and people, thus improve their lives in order to make them a part of mainstream society.

9. "Reservation", also sometimes denoted as "affirmative action" or "positive discrimination", refers to a policy or program, or giving certain preferences to certain groups (usually underrepresented groups) over the others. The policy of reservation was not a post-constitutional phenomenon but had its antecedents in the colonial times. Caste or communal quotas were in vogue well before the Constitution came into force. A caste based reservation was originally thought by William Hunter and Mahatma Jyotiba Phule in 1882. The farsighted ruler of the princely State of Kolhapur, Chhatrapati Shahu Maharaj (1874-1922), introduced 50% reservation in favour of classes excluding Brahmin, Prabhu and Shenvis to be treated as backward classes in 1902 to create a just and equitable society. At the behest of Chhatrapati Shahu Maharaj, on 26<sup>th</sup> July 1902, an administrative order was passed in the Kolhapur State Gazette that sent shockwaves across British India. The notification of 1902 created 50% reservation in services for different communities in the State. This notification was the first government order providing for reservation for the welfare of depressed classes in India. After the independence of India adopted a comprehensive Constitution of India ("the Constitution" for short) on 26<sup>th</sup> November, 1949, which came into

force w.e.f. 26<sup>th</sup> January, 1950. Main thrust of the Constitution is the fourfold objective of securing to its citizens' justice, liberty, equality and fraternity with the concept of justice, social, economic and political. Reservation is governed by the Constitution and statutory laws and/or executive orders. In the beginning some major initiatives in favour of the STs, SCs and after the 1980s in favour of OBCs (Other Backward Castes) and in 2019 for the economically weaker sections from amongst the general category were undertaken. The country's affirmative action programme was launched in 1950 and is the oldest such programme in the world.

10. The term 'Reservation' has not been defined in the Constitution. Hence, one has to depend on the dictionary and judicial pronouncements about the meaning of the term 'reservation'. Apropos, term 'reservation' as found in the words and phrases section of SSC Online Report is reproduced herein below:

- (i) *A keeping aside or providing. [Whart.]*
- (ii) *According to the considered opinion of the Apex Court there are two types of reservation, (1) Vertical reservation*

and (2) *Horizontal reservation*. The reservation of the Schedule Caste and Schedule Tribe groups may be called vertical reservation and the reservation in favour of physical handicapped persons may be called horizontal reservation. When horizontal reservation cuts across vertical reservation, the same is known as interlocking reservation, *Asis Maity v. State of W.B.*, (1995) 1 SLR 408 (Cal).

- (iii) *Reservation implies that competition must be limited among the candidates of the particular backward community only. Reservation, therefore, has to be made regarding identifiable posts and a fortiori that must be done anterior to the stage of selection which means at the stage of advertisement calling for applications, Suresh Chandra Varma v. Nagpur University*, (1989) 1 APLJ 46 (DNC) (Bom).
- (iv) *The mere use of the word "reservation" per se does not have the consequence of ipso facto applying the entire mechanism underlying the constitutional concept of a protective reservation specially designed for the*

*advancement of any socially-and-educationally-backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes, to enable them to enter and adequately represent in various fields. The meaning, content and purport of that expression will necessarily depend upon the purpose and object with which it is used. That apart, where the scheme envisaged is not by way of a mere reservation but is one of classification of the sources from which admissions have to be accorded, fixation of respective quota for such classified groups, the principles at times applied in construing provisions relating to reservation simpliciter will have no relevance or application, K. Duraisamy v. State of T.N., (2001) 2 SCC 538.*

- (v) *Reservations are a mode to achieve equality of opportunity guaranteed under Article 16(1) of the Constitution. Concessions and relaxations in fee or age provided to reserved category candidates to enable them to compete and seek benefit of reservation, is merely an aid to reservation. The concessions and relaxations place the candidates on a par with general category candidates. It is*

*only thereafter merit of candidates is to be determined without any further concessions in favour of reserved category candidates. If a reserved category candidate gets selected on the basis of merit, he cannot be treated as a reserved candidate. The concessions availed in the present case by reserved candidates had no relevance to determination of inter se merit on the basis of final written test and interview, Jitendra Kumar Singh v. State of U.P., (2010) 3 SCC 119: (2010) 1 SCC (L&S) 772.*

(vi) *Reservation as a concept is very wide. Different people understand reservation to mean different things. One view of reservation as a generic concept is that reservation is an anti-poverty measure. There is a different view which says that reservation is merely providing a right of access and that it is not a right to redressal. Similarly, affirmative action as a generic concept has a different connotation. Some say that reservation is not a part of affirmative action whereas others say that it is a part of affirmative action, M. Nagaraj v. Union of India, (2006) 8 SCC 212.*

(vii) *Reservation normally implies a separate quota which is*

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*reserved for a special category of persons. Within that category appointments to the reserved posts may be made in the order of merit. Nevertheless, the category for whose benefit a reservation is provided, is not required to compete on equal terms with the open category. Their selection and appointment to reserved posts is independently on their inter se merit and not as compared with the merit of candidates in the open category. The very purpose of reservation is to protect this weak category against competition from the open category candidates. It is precisely a lack of opportunity which has led to social backwardness, not merely amongst what are commonly considered as the backward classes, but also amongst women. Reservation, therefore, is one of the constitutionally recognised methods of overcoming this type of backwardness. Such reservation is permissible under Article 15(3), Govt. of A.P. v. P.B. Vijayakumar, (1995) 4 SCC 520: 1995 SCC (L&S) 1056.*

11. From the sociological point of view, the Reservation Policy is one of the mechanisms of the social adjustment so as to ensure the

participation of the traditionally neglected sections of the society. It includes the fixation of quota for the Depressed Classes in the legislative organs of the government, admissions in educational institutions and employments in public sectors.

12. According to S.K. Biswas, "the reservation is a rightful privilege granted to someone or some communities by the government or some government authority for some reasons. The reservation is the right of participation in education, services and politics etc."
13. Reservation policy is one of the means to narrow the gap between haves and have not. It has to prove as a means to achieve socio-economic goals of democracy as contained in the Preamble of the Constitution. Thus, the objective of reservation will lose its grace, if it is treated as a merciful bounty of the State. Indeed, in the interest of brighter India, the Constitution granted an inter-generational compensation to the SCs, STs, O.B.Cs and Women. Because of this policy, the nation became a source of inspiration for the advanced countries of the world as on the pattern of Reservation Policy, the U. S. Government. introduced the Affirmative Action Programme in its country.

14. Reservation Policy is known by following names -

- i. Benign discrimination: The government efforts are designed to eliminate the continued effects of the past segregations and discrimination demanding compassionate treatment.
- ii. Compensatory discrimination: It indicates a policy of preferential treatment to safe guard the interests of historically disadvantaged sections of the population. The policy which aims at protection of the interests of those who have been oppressed and ill-treated for ages and therefore at present are not in a position to compete with privileged sections of the people.
- iii. Positive discrimination: Eradication of present institutionalized effects of past discrimination through positive governmental steps awarding preferential treatment in favour of certain weaker sections of the society.
- iv. Affirmative Action: The U.S. President issued executive orders by establishing equality and prohibiting discrimination on the basis of race, colour, religion, origin of nations and sex. These equality programmes are known as

Affirmative Action Programme which is generally equated with the Indian Reservation Policy.

- v. **Protective Discrimination:** It connotes the idea of discrimination in favour of those who recently have been the victims of discrimination and support discrimination against those who never suffered any discrimination so far. In other words, it is a situation created by preferential treatment which results into denial of employment opportunities to the qualified applicants of non-preferred group. There is very thin line between Affirmative Action and Reverse Discrimination. It can be said that Reverse Discrimination begins where the Affirmative Action ends. In legal sense, the Affirmative Action is permitted while the Reverse Discrimination is prohibited.

15. Constitution makes the way for having a special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority

educational institutions was made Article 15 (4) & (5). Though the Article 16 prohibits discrimination in employment in any government office, the government can allow reservation for any community if it is not adequately represented in service or posts under the State. In order to bring Scheduled Castes, Scheduled Tribes, Backward Classes and Economically Weaker Sections in the national mainstream, the State is empowered to make special provision for reservation of posts, or appointments in government service. (Article 16 (4), (6) & (7)). By Articles 338, 338-A, 340, 341, 342 and 342A of the Constitution. Statutory machinery in the nature of Backward Classes Commission is in place to investigate and monitor all matters relating to safeguards provided for and to identify the Scheduled Castes, Scheduled Tribes, backward classes].

16. The Nine Judge Constitution Bench of the Supreme Court in *Indra Sawhney and others v. Union of India and others* (AIR 1993 SC 477), which is popularly known as the Mandal case, issued directions, through majority view, relating to reservations of civil posts and services in favour of socially and educationally backward classes other than Scheduled Castes and

Scheduled Tribes. The Supreme Court in the said case, also directed, *inter alia*, all the State Governments to constitute a permanent body for entertaining, examining and recommending upon request for inclusion; and hearing complaint of over-exclusion or under-exclusion in the list of Other Backward Classes of citizens.

17. In view of compliance of the aforesaid directions of the Supreme Court in *Indra Sawhneys* case (*supra*) the Government of Maharashtra constituted a Committee known as "Maharashtra Other Backward Classes Committee" by Government Resolution dated 15<sup>th</sup> March, 1993, which was subsequently named as "State Commission for Backward Classes" by issuing Government Resolution dated 19<sup>th</sup> May, 1995 to perform the functions relating to include or exclude certain castes in the list of Other Backward Classes and to recommend to the Government of Maharashtra.
18. There was a demand of the Maratha Community in the State of Maharashtra to seek reservation of appointments or posts in the services under the State and also for admission to educational Institutions including private educational institutions. Initially, Khatri Commission was appointed therefor, which recommended

inclusion of Maratha-Kunbi and Kunbi-Maratha in the list of Other Backward Classes as sub-caste of Kunbi, but did not recommend inclusion of Maratha in the list of Other Backward Classes. Thereafter, Bapat Commission was appointed, which was also against the inclusion of Maratha Community in the Other Backward Classes as required by clause (4) of Article 15 and clause (4) of Article 16 of the Constitution. However, the Government of Maharashtra did not accept the recommendations made by the said Commission. The Government of Maharashtra constituted Rane Committee in order to determine backwardness of Marathas.

19. The Government of Maharashtra enacted the Maharashtra State Commission for Backward Classes Act, 2005 ("Act of 2005" for short), which came into force with effect from 5<sup>th</sup> August, 2009 in view of the Notification dated 4<sup>th</sup> August, 2009 published in the Government of Maharashtra, Extra Ordinary Gazette, Part IV-B by which the appointed date for enforcement of the Act of 2005 came to be notified with effect from 5th August, 2009.
20. The Maharashtra State Commission for Backward Classes under the Chairmanship of late Shri Justice (Retd.) S. B. Mhase

came to be constituted in 2017. Initially there were eight members in the Commission. Later on, by the notification of dated 10<sup>th</sup> January, 2017, two more members were added bringing the strength of the members to 10. In addition, a Member Secretary has also been appointed in view of sub-section (1) of Section 9 of the Act of 2005. The unrest in Maratha Community meanwhile continued and late became intense thereby making the Government of Maharashtra notice gravity of the situation. Hence, the Government of Maharashtra by its letter No. CBC- 12/2017/C.R.73/WBC, Social Justice and Special Assistance Department, Mumbai dated 30th June, 2017 requested the Commission under the Chairmanship of late Shri Justice S. B. Mhase to submit its self-explanatory report relating to social, educational and economical backwardness of the Maratha Community for the reservation as per the terms of reference issued to it. After the commencement of the Commission work, unfortunately Shri Justice (Retd.) S. B. Mhase expired. The State Government then appointed Shri Justice (Retd.) M. G. Gaikwad as the Chairman of the Commission.

21. The State Backward Class Commission headed by Justice (Retd.)

M.G.Gaikwad submitted a report on 15<sup>th</sup> November 2018 recommending declaration of Maratha community as socially and educationally backward class with inadequate representation in public employment/posts under the State. The Commission also opined that there existed exceptional circumstances and extraordinary situations for providing consequential entitlements to the Maratha community. In the light of the said report, the State of Maharashtra, for the purposes of providing reservation to the citizens from Maratha Community residing within the State, enacted 'Maharashtra State Socially and Educationally Backward Class (SEBC) (Admission in Educational Institutions in the State and for Appointments in Public Service and Posts) Reservation Act, 2018. This Act was challenged before the High Court of Bombay, which upheld the constitutional validity of the said Act, but the High Court reduced the percentage of the reservation granted to the Maratha Community.

22. A challenge was made to the judgment of the High Court's judgment dated 27<sup>th</sup> June, 2019 in the Supreme Court. The Supreme Court was pleased to reverse the judgment of the High Court. The judgment is reported as Dr. Jaishri Patil Vs. Hon'ble

C.M. & Others, 2021(8) SCC 1. While upsetting the High Court judgment, the Supreme Court also observed that the State within its domain can undertake fresh exercise to identify backwardness by collecting relevant data. Relevant extract is reproduced herein under:-

*550. We, however, hasten to add that it is always open to the State to collect relevant data to find out as to whether a particular caste or community is to be included in the list of Other Backward Classes or excluded from the same despite any decision to the contrary taken earlier. The Constitution Bench in Indra Sawhney [Indra Sawhney v. Union of India, 1992 Supp (3) SCC 217 : 1992 SCC (L&S) Supp 1] has also laid down for periodical review which is for the purpose and object that those communities who were earlier backward and advanced should be excluded and those communities who were earlier advanced and might have degraded into backward class should be included. Thus, the State was fully entitled to appoint Backward Classes Commission to collect relevant data and submit the report.*

23. The State of Maharashtra filed Review Petition (Civil) No.14/2022 which was dismissed on 11-04-2023. The State has filed a Curative Petition bearing No.338/2023, which is pending.
24. The State, since about a year hence, has been witnessing an ever

increasing demand from the members of the Maratha Community to provide them reservation in educational institutions in the State and appointments in public employment and posts being socially and educationally backward. The State has also seen agitations and rallies in support of the demand, which on some occasions took some what violent turn. Some of the youths, stated to be belonging to Maratha community committed suicide. Their number as reported by the Government is 95 in the year 2023-24. These events showed deep sense of anguish, despair and distress among Maratha community and made the Government take steps to address the issue keeping in view the constitutional provisions and limits of law. First step taken by the Government in this direction was of constituting Justice D.B. Bhosale, Former Chief Justice Committee on 11<sup>th</sup> May 2021, which gave its report to the Government in June 2021. It was followed by another step when the State Government vide its letter bearing outward number *sankirn-2023/pr.kr. 115/16-k* dated 13<sup>th</sup> November 2023 requested the Commission to examine the social, educational and economic backwardness of Maratha Community within the State and the adequacy of their representation in public service/posts of the State and the exceptional circumstances and extraordinary

situations for providing reservations to the Maratha community. The Terms of Reference to undertake such an examination are given in Chapter - II together with the criteria and parameters determined by the Commission and the definitions of the Terms "Exceptional Circumstances" and "Extraordinary Situations". This reference to the Commission by the Government of Maharashtra has been made without any prejudice to the Curative Petition filed and pending before the Hon'ble Supreme Court of India.

## CHAPTER – II

### SCOPE AND CRITERIA

25. This Commission bound as it is by the Terms of Reference, thinks it appropriate to state the Terms of Reference in this Chapter. It also considers it necessary to mention here the criteria and parameters determined and adopted and the definitions of the terms “Exceptional Circumstances” and “Extraordinary Situations” made by the Commission to have a clear idea about the way the Commission has gone about its job of ascertaining the three dimensional backwardness or otherwise of Maratha community. The composition of the Commission with the qualifications of its members all of whom are experts in their respective fields with great experience, is also given in this Chapter for ready reference.

**A) Terms of Reference:**

(i) To determine the criteria and parameters to be adopted in ascertaining the social, educational and economic backwardness for the benefits of reservation in present context in conformity with the Constitutional mandate, reservation laws and various

judgments of the courts including the observations of the Supreme Court in its judgment in the case of Jaishri Laxmanrao Patil V/s. Chief Minister and Others (Civil Appeal No.3123 of 2020 and connected matters).

(ii) To define exceptional circumstances and or extraordinary situations to be applied for the benefits of reservation in the present context in conformity with the Constitutional mandate, reservation laws and various judgments of the courts including the observations of the Supreme Court in its judgment in the case of Jaishri Laxmanrao Patil V/s. Chief Minister and Others (supra).

(iii) To collect fresh quantifiable and other data and information and also scrutinize and inspect the data and information collected in the past whichever sources including by the State Backward Class Commission, National Backward Class Commission and the Committee appointed by the State Government from time to time, for determining the social and educational backwardness of Maratha Community and their inclusion in the list of backward classes, by applying the criteria and parameters determined as above.

(iv) To ascertain existence of exceptional circumstances and or extraordinary situations in the context of Maratha Community justifying exceeding of the limit of 50% reservation as laid down in judgments of the Supreme Court.

(v) To determine the adequacy of representation of Maratha Community in the public employment under Central and State Government establishments, Public Sector Undertakings, Universities and other Institutions aided and funded by Government.

(vi) To ascertain proportion of population of Maratha Community in the State of Maharashtra on the basis of records, reports, census and other available data.

(vii) To analyse the earlier reports of the Backward Class Commission and the Committees appointed by the State Government from time to time like the Bapat Committee in the context of Maratha Community, including the analysis of any shortcomings, errors and lacuna therein and also the regression or change of circumstances of Maratha Community thereafter.

(viii) To consider, assess and determine the aspects and terms set

out in paragraph 33.6 of the Justice, Bhosale Committee, constituted by the State Government which reads as under:-

- a) to reassess social backwardness in the context of actual deprived class of Maratha population (non creamy layer).
- b) to re-examine educational backwardness in the context of recent regression of Maratha Class.
- c) to re-examine social backwardness in the context of recent regression of Maratha class.
- d) to re-examine actual percentage of educational backwardness.
- e) to supplement aspects of economic backwardness as that arrived by Gaikwad Commission.
- f) to examine aspect of proportion of representation of open class vis a vis Marathas in education.
- g) to examine aspect of proportion of representation of open class vis a vis Marathas in services.
- h) to find out disproportionate imbalance of representation of open category vis a vis Maratha in education and services.

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- i) to lay out statistics of open category population vis a vis Marathas.
- j) to trace out recent regression of Marathas especially post year 2008, in particular.
- k) To trace out actual percentage of forward Maratha Class, such as politicians, businessmen, industrialist, professionals, academicians, etc. and of socially and educationally backward Marathas.
- l) to make comparative study of earlier backward class commissions for Marathas and its indepth analysis of short comings of such commission reports if any.
- m) to consider the difference margin of economic backwardness of Marathas vis-a-vis other open EWS (so as to sub classify/carved out a category).
- n) to find out exact statistics of Marathas in higher services such as IAS, IPS in Maharashtra and outside states vis-a-vis other classes.

o) such other ancillary and supplemental reference as the State in its wisdom may deem it appropriate.

(ix) To investigate such other matters as the State Government may hereafter refer to the commission in this context.

(x) To submit a report to the State Government by recording the facts and observations and thereby making suitable recommendations.

Further the Commission may –

- a) Obtain such information or statistics as they may consider necessary or relevant for their purpose in such form and manner as they may think appropriate from any source including the Central and State Government Officers, public sector undertaking establishments, universities and other institutions and such other authorities, organizations or individuals as may in the opinion of the Commission be of assistance to them.
- b) Engage and avail advice of experts and researchers by holding meetings with them and also get assistance of recognized research institutions as and when felt essential for

analysis of the quantifiable data and also for the efficient and qualitative functioning of the Commission.

- c) Visit and depute sub-committee/s or representative/s to visit such part/s of the State of Maharashtra and/or places in the country as they may be considered necessary, or convenient for obtaining any information or data or documents or otherwise.
- d) Record the evidence and contentions lead by the individuals as and when found necessary during the course of investigation.

**B) Criteria and Parameters Determined and Adopted:**

26. Keeping in mind the Terms of Reference, this Commission after thorough deliberation, determined and adopted the criteria and parameters. For that purpose, the Commission developed social, educational and economic criteria and laid down procedure for investigation and identification of social, education and economic backwardness of Maratha community. The Commission also fixed the weightage of the groups of criteria, i.e. social, educational and economic as 44 percent, 32 percent and 24

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percent respectively. The criteria determined and parameters set by the Commission are as follows:

Sr.No.	A. Social Criteria	Marks
	A class or group which the society ordinarily considers inferior due to -	
1	Caste/traditional vocation/craftsmanship-handicrafts/employment	20
2	Vocation/craftsmanship-handicraft/employment (excluding agriculture)	20
	A class or group in which -	
3	More than 10% of women as compared to State average do work for living by way of vocation/employment/outside manual work.	20
4	More than 10% of men as compared to State average do work for living by way of vocation/employment/outside manual work.	20
5	At least 5% of men and at least 10% of women in excess of State average marry at the age earlier than permissible age.	10
6	At least 30% of families routinely follow superstitious practices.	10
7	At least 30% of families routinely follow customs/practices which lower down the esteem of women in those families.	10
	Total	110

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Sr. No.	B. Educational Criteria	Marks
	A class or group which -	
1	Has students studying in 1 <sup>st</sup> to 10 <sup>th</sup> standard in a number which is less than at least 10% of State average.	10
2	Has school dropout rate of girls from 1 <sup>st</sup> to 10 <sup>th</sup> standard which is more than at least 10% of State average.	10
3	Has 10 <sup>th</sup> standard pass students in a number which is less than at least 20% of State average.	10
4	Has 12 <sup>th</sup> standard pass students in a number which is less than at least 20% of State average.	10
5	Has students studying in ordinary graduation or like courses in a number which is less than at least 10% of State average.	10
6	Has students studying in ordinary post-graduation or like courses in a number which is less than at least 10% of State average.	10
7	Has students pursuing professional courses such as law, medicine, engineering, technology, chartered accountancy, Management etc. or Ph. D. in a number which is less than at least 20% of State average.	20
Total		80

Sr.No.	C. Economic Criteria	Marks
	A class or group having -	
1	Families below poverty line in a number which is at least 20% more than State average.	10
2	At least 30% of families living in <i>kachha</i> houses.	10
3	Families with small land-holdings in a number which is at least 20% more than State average.	10
4	Landless families in a number which is at least more than 20% State average.	10
5	At least 30% of families which have taken consumer ( <i>Upbhogta</i> ) loan.	10
6	At least 30% of families which could not get any Bank loan.	10
Total		60

**Grand Total (A+B+C Criteria) = 250 (110+80+60) Marks**

Note - A class of Citizens for the purpose of inclusion in other backward class should score minimum 50 percent (125 Marks) of grand total Marks (250).

The scientific procedure adopted by the Commission for the investigation and identification of social, educational and economic backwardness of Maratha community is given in detail in Chapter – VII.

**C) Definitions as per Terms of Reference:**

27. The Commission was required to define two expressions namely, Exceptional Circumstances and Extraordinary Situations. The Commission deliberated over the issue in it's meeting and upon consideration of various factors including judgments of Apex Court made a broad based definition of the said terms as follows:

- i) **Exceptional circumstances** shall mean the circumstances which are unusual, unique or beyond ordinary in relation to social/ educational status or state of development of a community.
- ii) **Extraordinary situations** shall mean the instances of social, educational, economic backwardness cumulatively leading

to the community not being part of main stream of society in real sense of the term.

**D) Composition of Commission**

28. The Commission consists of experts in the field of social science, statistics, education, economics and various other streams. Many of the learned members of the Commission have doctorate in their respective fields of expertise. The Commission is headed by former Senior most Judge of the Bombay High Court.

29. This Commission with reference to Section 3(1) and (2)(a), (b) and (c) of the Act of 2005 consists of Ten members including a Member-Secretary nominated vide Section 2 (d) of the Act of 2005. However, on account of termination of membership of one of the learned members as per Government Notification dated 13<sup>th</sup> February 2024, total strength of membership as of today, is reduced to ten members, including the Chairman.

1. Justice (Retd.) Sunil Balkrishna Shukre                      Chairman  
B.Sc. (Hons), LL.M. (Constitutional Laws),  
Former Senior Judge of Bombay High Court
  
2. Prof. Dr. Ambadas Yelaji Mohite                                      Social Scientist  
B.Sc., M.A. (Gandhian Thoughts),  
M.A (Sociology), M.A. (Public Administration),  
LL.B., D.B.M., M.B.A., M.S.W. (Labour  
Welfare & Personnel Management), M.Phil  
(Social Work), LL.M, DMC&J, Ph.D.

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- (Social Work),
- Academic experience of 40 years.
  - Recipient of several Awards including Life Time Achievement Award, National Association of Professional Social Workers In India.
3. Dr. Omprakash Shivajirao Jadhav Member  
M.Sc., Ph.D (Statistics)  
- 15 years academic experience.
4. Prof. Dr. Machhidranath Malhari Tambe Member  
B.S.L, LL.B, LL.M., Ph.D. (IPR).  
- Principal, Ahmednagar Zilla Maratha Vidya Prasarak Samaj's New Law College, Ahmedabad.  
- Ph.D. (IPR), about 20 years of academic experience, author of several books, including Encyclopedia of Maharashtra Co-operative Societies Act, Rural Development and Right to Information.  
- Former District Judge, Co-operative Court, Raigad, Ratnagiri.
5. Prof. Dr. Gajanan Kashiram Kharate Member  
Ph.D. in Engineering (Electronics & Telecommunication)  
Master of Engineering (Electronics & Telecommunication).  
- Dean and M.C. Member, Savitribai Phule Pune University.  
- Recipient of Best Principal Award, S.P. Pune University, Pune.  
- Holder of Engineering Product Patent  
- About 35 years of experience in the field of pure academic research and academic administrations.
6. Prof. Dr. Nilima Sarap Lakhade Member  
B.Sc., B.Ed., M.A. (Sociology),  
NET (Soc). Ph.D.  
- More than 30 years of academic experience.  
- Recipient of Sant Ghadge Baba Best Teacher Award.
7. Prof. Dr. Govind Hariba Kale Member  
M.Sc. Physics (Electronics)  
Ph.D. (Physics)  
- About 40 years experience in the field of academics including research experience of 10 years, has 13 research papers published in

reputed National and International Journals  
to the credit.

8. **Dr. Maruti Mukinda Shikare** **Member**  
M.Sc., M. Phil., Ph. D. (Mathematics)  
- 30 years of experience in teaching and  
Research in mathematics.  
- published 42 research papers in reputed  
International Journals.  
- Recipient of Rajiv Gandhi Gold Medal Award  
2014 for experience in education and research  
Given by Global Economic Progress and  
Research Association, New Delhi
9. **Shri. Jyotiram Mana Chavhan** **Member**  
M.A. (Economics), M.Com.  
- State Civil Servant with administrative  
experience of about 33 years.
10. **Smt. Asharani U. Patil** **Member-Secretary**  
B.A. LL.B.  
- Administrative experience of about 16  
years in the State Civil Service.

**CHAPTER – III****RESERVATION POLICY : A JUSTIFICATION**

30. Policy of reservation primarily aims at improving the social, economical and educational status of the backward classes. It is generally the actualization of principle of equality as it has a dominant shade of intergenerational justice. To put it in different words, it can be said that a class is compensated for the loss incurred by that class in the earlier generations. It is a policy which is meant for the removal of imbalance of the society and creation of a sense of participation of deprived classes in the governance of the country. While reservation is a system of support for weaker sections of the society to avail of job opportunities, it is effectively an instrument of handing out compensatory justice to remove the injustice resulting from accumulated wrongs. In a sense, it is a preferential treatment given for the development of latent talents of weaker sections of the society and make them part of main stream of national life.
31. Reservation is in a way, an affirmative action of making the educational seats, government jobs and legislative seats accessible to the vulnerable sections of the society. These provisions are added

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through Articles 15 (4), (5) and (6), Article 16 (4) and (6) and Article 243D and 243T of the Constitution of India. The sections of the society provided with the reservation are SC, ST, OBC and recently economically weaker sections of the society.

32. The Constitution provides equality in opportunity to every Indian citizen. But historically certain sections of the society have remained socially and educationally backward compared to those in the forefront of the society. It was largely due to caste hierarchy and evils related to the caste system and also other factors like poverty, occupation, inability to see the tide of change, modern education and so on and so forth. In order to undo the historical and societal injustice made to these sections, some hand holding by the State to gain the momentum of their social and educational development would be appropriate. This could be in nature of a policy called variously as policy of compensatory discrimination or reservation.

33. Considering the unequal social structure of the country, Prof. Marc Galanter advocated the formula of 'compensatory discrimination policy' to safeguard the interests of the time long ignored and disadvantaged sections of the population. In India, the policy is usually called the 'reservation policy'. It adds new

dimension to the concept of justice, that is to say, a march from equalitarian justice to equalizational justice. Prof. Marc Galanter justified such policy on the following grounds:

- i. The preferential treatment may be viewed as the needed assurance of personal fairness, a guarantee against the persistence of discrimination in subtle and indirect forms.
- ii. Such policies are justified in terms of beneficial results that they will presumably bring in such as, promoting integration, letting neglected talent blossom and effecting more equitable distributions.
- iii. The proponents further justify the reservation policy on the ground that forward class people want to have the full cake and eat it alone. They do not want to be deprived of jobs on account of reservation policy, which is a sort of compensation for exploitation caused by their forefathers to the forefathers of the depressed classes.
- iv. That even today, the unwritten reservation is more effective than the written Constitutional reservation. To cite examples, there are lacs of temples owning properties of crores in the

country that are being managed and enjoyed by a few classes of persons only.

- v. K.M. Munshi, member of the Constituent Assembly justified the reservation policy by observing that the word 'backward' signifies that there is a class of people, the members of which do not matter whether you call them untouchables or touchables, belonging to this community or that, and it is a class of people the members of which are so backward that special protection is required in the services.

#### **Scope of Reservation-**

34. The scope of reservation has been specified under the Constitution basically in three areas, i.e. Representation in Lok Sabha, Vidhan Sabhas and Local bodies, Employment in public sectors and Admissions in educational institutions. Dr. Oneil Biswas used three words regarding scope of reservations i.e. Representation, Employment and Advancement.
35. The Constitution recognizes SCs/ STs and O.B.Cs as prime beneficiaries of the Reservation policy. Apparently, these three groups seem to be similar but practically they are different in many ways. The judiciary has classified them into two major

groups. i.e. Scheduled Castes and Scheduled Tribes as one group and Socially & Educationally Backward as second group.

36. Articles 15(3), 15(4), 16(4) and 16(4A) of the Constitution have specifically empowered the State to make provisions of reservation in favour of Women, SCs, STs and Socially and Educationally Backward Classes (SEBCs). Beside these four classes, the Anglo-Indians are also specified as beneficiaries of the reservation policy. However, the reservation facility is no more confined to these specified groups but it has been extended to such groups as the Ex-Servicemen and their wards, Divyanga persons, Sports persons, Wards of Political sufferers, Residents of Hill/Backward/Border areas etc.
37. A provision is made enabling the State Government to grant reservation to the economically weaker sections in public employment and education to the extent of 10%. This provision was added through the 103<sup>rd</sup> Constitutional Amendment Act (Article 15 (6) & 16 (6)). Persons who are not covered under the SC, ST, OBC reservation and whose family gross annual income is below eight lakh rupees are eligible for EWS reservation. There are additional criteria like land holding and other properties for determining the eligibility.

## CHAPTER – IV

### HISTORY OF MARATHA RESERVATION

#### **Chhatrapati Shahu Maharaj's Landmark Reforms in Social Justice and Reservation -**

38. By the turn of 20th century, Hindu society in India came to be stratified was entrenched in a rigid caste system, said to be supported by religious texts, creating a social hierarchy that marginalized many communities. Against this backdrop, Chhatrapati Shahu Maharaj of Kolhapur took a historic step in July 1902. He became the first ruler and a State to implement policies of social justice that included provisions for reservation in both the state and private sectors. His actions symbolized a bold stance against the prevailing caste-based discrimination.
39. The rationale behind these reservations was to address the deeply entrenched caste system that perpetuated inequality and hindered social mobility. Chhatrapati Shahu Maharaj's policies were aimed at dismantling the discriminatory structures supported by religious doctrines. Confronting societal norms, Chhatrapati Shahu Maharaj rejected the brutal practices that exploited the poor and

marginalized based on caste. He envisioned a society where fraternity and equality would replace the existing caste-based hierarchies.

40. In his quest to establish social equality, Chhatrapati Shahu Maharaj introduced laws that provided reservations for the downtrodden and underprivileged. These laws were unique in their exclusion of castes and classes that had historically enjoyed privileges and progressed under the caste system. Consequently, Brahmins, Kayasthas, Shenvis, and Parsis were excluded from the reservation benefits.
41. The reservation policy was inclusive of all other castes and classes across different religions. Notably, this included the "Maratha" caste, marking the first instance where Marathas were recognized as a backward class and extended reservation benefits. This policy was a significant departure from the norm, treating Marathas and other non-Brahmin castes as backward, thereby acknowledging their need for upliftment.
42. The reforms initiated by Chhatrapati Shahu Maharaj were not only pioneering in the context of Maratha history but also marked

a pivotal moment in the broader narrative of social justice in India. By implementing these reservations, he laid the groundwork for future policies aimed at reducing social disparities and promoting equality.

#### **British Era -**

43. In 1871, the British began their systematic endeavor of conducting censuses across India, a practice that introduced a new dimension to the understanding of Indian society. During the initial census, they recorded 'Kunbi' as a prevalent caste in Maharashtra. The Kunbi community, primarily consisting of agrarian folks, was recognized as one of the significant social groups in the region.
44. As the British continued to refine their census methodology and classification of Indian society, they eventually categorized the population into three main classes. These were Scheduled Castes (SC), Scheduled Tribes (ST), and a broad grouping termed 'intermediate classes'. This latter category encompassed a diverse range of communities that did not fit into the SC and ST classifications, which were primarily defined on the basis of traditional social disadvantages and tribal identities, respectively.

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45. Under Government of India Act, 1935 reservation was provided for Marathas in the provincial legislative assemblies. The relevant portion is reproduced hereunder:

*“(i) the number specified in the third column shall be general seat, of which the number specified in the fourth column shall be reserved for members of the scheduled castes and, in the case of Bombay, seven shall be reserved for Marathas;”*

46. This classification by the British was significant as it laid the groundwork for future policies and administrative decisions. The census not only served as a tool for governance but also influenced the social and political landscape of India by formalizing and institutionalizing the distinctions among various communities. The impact of these classifications was profound, as it shaped the understanding of social dynamics in colonial and later in independent India, particularly in the context of reservation policies and social justice initiatives.

**Government of Bombay resolution dated 23<sup>rd</sup> April, 1942 -**

47. On 23<sup>rd</sup> April, 1942, during the British colonial period, the Government of Bombay took a significant step by preparing a comprehensive list for reservation purposes. This list categorized

various castes into different classes as part of the government's effort to address social inequalities. Notably, the Maratha caste was included at Serial no. 149 in the Schedule-A among the 'intermediate classes' list. This categorization was an important acknowledgement of the diverse socio-economic statuses within the state's population.

48. The list was extensive, comprising a variety of castes such as Mali, Teli, Lohar, Vanjari, Shimpi, and Dhangar, amongst others. In total, it included 228 castes, many of which are presently recognized in the Maharashtra State as Other Backward Classes and included in the OBC list. This list represented a crucial effort in recognizing and addressing the social disparities prevalent in society at the time.

**Government of Bombay resolution dated 1<sup>st</sup> November, 1950 -**

49. The Resolution No. 490/46, issued by the Government of Bombay, Political and Service Department, on 1st November 1950, marked a significant shift in the reservation policies in the State of Bombay. This resolution was set against the background of the newly adopted Constitution of India, specifically

referencing Articles 16(2) and 16(4).

50. Article 16(2) of the Indian Constitution prohibits discrimination in employment or appointment on the grounds of religion, race, caste, sex, descent, place of birth, residence, or any of them. Article 16(4), however, allows the state to make provisions for the reservation of appointments or posts in favour of any backward class of citizens, which in the opinion of the State, is not adequately represented in the services under the State.
51. In the light of these constitutional provisions, the Government of Bombay's resolution explicitly stated that reservations in public services could only be made for those classes which were deemed to be 'backward'. This was a critical clarification, as it set the criteria for reservation based on the concept of social backwardness, aligning with the constitutional mandate.
52. The resolution also superseded the earlier Resolution No. 1673/34 dated 23<sup>rd</sup> April 1942. The 1942 resolution had classified communities in the State of Bombay into Advanced, Intermediate, and Backward classes. The 1950 resolution cancelled this existing classification, thereby removing the distinction between

Advanced, Intermediate, and Backward classes.

53. This resolution had a profound impact on various communities, including the Maratha community, as it redefined the criteria for reservation in public services, which has continued to be a subject of socio-political discourse in Maharashtra.

**Reservation after reorganization of States -**

54. After the reorganization of states in India, the Government of Bombay prepared and published a list of Other Backward Classes (OBCs) for the old Bombay State in 1959. This list was a significant document, outlining the communities classified as OBCs, and was based on Government Resolutions (G.R.) T.& S.D. 490/46 dated 1st November, 1949, which was amended over time, and G.R.T.& S.D. No. TSE-1054 dated 14th May, 1954.
55. The reorganization of states, a major administrative overhaul, led to the redrawing of state boundaries primarily based on linguistic lines. This process naturally necessitated a reassessment and reclassification of various social and community groups under the new administrative frameworks. The list of OBCs was a part of this reclassification, identifying communities that were socially

and educationally backward, and hence, eligible for affirmative action measures under the state's policies.

56. The Maratha community was not included in this list of OBCs. The exclusion of Marathas from the OBC list in the old Bombay State was a critical point in the community's history, and came as a setback for community in the Maharashtra. Later on the community made demand for inclusion of Marathas in the list of backward classes, which was repeated time and again and continues till date.

## CHAPTER – V

### **OVER VIEW OF PREVIOUS COMMISSION AND COMMITTEE REPORTS**

57. The commission during its deliberation on the subject of reservation perused in depth all previous commission/ committee reports. The same was necessitated also for the reason that vide term of reference to the Commission, one of the topics was as under:

*“To analyse the earlier reports of the Backward Class Commission and the Committees appointed by the State Government from time to time like the Bapat Committee in the context of Maratha Community, including the analysis of any shortcomings, errors and lacuna therein and also the regression or change of circumstances of Maratha Community thereafter.”*

58. The Commission examined following commissions/ committee reports:

- (i) Kaka Kalelkar Commission – 1955
- (ii) B.D. Deshmukh Committee- 1964
- (iii) Mandal Commission – 1980
- (iv) Justice Khatri Commission – 2000

- (v) National Commission for Backward Class – 2000
- (vi) Justice Bapat Commission – 2008
- (vii) Rane Committee Report – 2014
- (viii) Justice M.G. Gaikwad Commission – 2018

i) **Kaka Kalelkar Commission – 1955**

59. The President of India appointed first National Backward Classes Commission as per the provisions of Article 340 of the Constitution of India on 29<sup>th</sup> January, 1953 and Commission commenced its work on 18<sup>th</sup> March, 1953. The Commission submitted its report to the President of India on 30<sup>th</sup> March, 1955.

The Brief Summary of Report:

60. The Kalelkar Commission, commissioned by the Government of India, is a comprehensive document addressing the issues of social and educational backwardness in India. The report focuses on identifying communities and classes (other than Scheduled Castes and Scheduled Tribes) that are socially and educationally backward. It explores the extent of backwardness, its causes, and suggests measures for upliftment. Key recommendations include the provision of special assistance in education and employment,

with a focus on eradicating caste-based inequalities and promoting equal opportunities for all disadvantaged groups. The report underscores the importance of affirmative action in education and government services while advocating a balanced approach that does not compromise merit and efficiency. The commission also delves into the challenges faced by women, rural populations, and those engaged in unskilled labour, proposing targeted interventions for these groups. Overall, the Kalelkar Commission Report is a pivotal document in understanding and addressing the complexities of social and educational backwardness in India.

The Research Methodology adopted by Commission for identifying Social, Educational and Economical Backwardness:

The Kalelkar Commission adopted a multifaceted approach for identifying backward classes, involving a wide range of stakeholders and diverse criteria. The methodology included:

1. Wide-ranging Consultation: The Commission sent questionnaires to various entities, including governments (both Union and State), institutions serving backward classes, organizations of backward classes, and individuals interested in

their betterment. Leaders or secretaries of particular communities were requested to provide detailed information about their communities, including a brief history, traditional occupation, present-day condition, and the reasons for their backwardness. This information was to be as accurate as possible and included any variations in community names across different localities.

2. No Single Formula for Identification: The Commission acknowledged that there was no simple formula for determining social and educational backwardness. Suggestions varied and included these like classifying all persons belonging to the Shudra Class as backward, considering all poor people as backward, and using the percentage of literacy and representation in government services as indicators of a community's backwardness. The Commission faced challenges due to movements among certain communities aiming to upgrade themselves on the social scale, which complicated the classification process.
3. Criteria for Classification: In classifying communities into the category of Other Backward Classes, the Commission

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considered multiple factors. These included the social position a community occupied in the caste hierarchy, the percentage of literacy, general educational advancement, representation in government services, and the economic condition. The Commission also considered the traditional occupations of the communities, especially those that had ceased to be remunerative, and the extent of representation in government service among various social groups, including Muslims, Christians, and Sikhs.

61. This comprehensive approach reflects the Commission's effort to understand and address the multifaceted nature of social and educational backwardness in India.
62. Inclusion of Maratha Community in OBC: The commission recommended inclusion of Maratha Community residing in Hyderabad State in the list of backward classes. The said recommendation can be found at Volume-II, page 58 of the Report at Entry No.95. For ready reference relevant entry is reproduced hereunder:

*“Hyderabad State*

Sr.No.	Name of Community	Hindi equivalent	Traditional Occupation	Estimated population 1951
1	-	-	-	-
2	-	-	-	-
95	Maratha	-	Mostly agriculturist	32,06,551

*Central Provinces*

Sr.No.	Name of Community	Hindi equivalent	Traditional Occupation	Estimated population 1951
56	Kunabi (Maratha)	कुणबी (मराठा)		
63	Maratha (Kunabi)	मराठा (कुणबी)		

Observations on Kalelkar Commission:

63. The Kalelkar Commission Report was considered in the case of *Indra Sawhney (supra)* by the Apex Court and certain observations were made in regard to the said Commission Report. It was observed that the Report did not establish a clear and objective set of criteria for defining backwardness. Certain factors, like economic status, educational attainment and regional disparities were overlooked. The data considered by the Commission was limited, lacked comprehensiveness and was not

nationwide so as to accurately assess condition of backward classes.

64. In *Indra Sawhney (supra)* – paragraph 657 of the report it has been observed as under:

*“657. The report made by the Commission was considered by the Central Government, which apparently was not satisfied with the approach adopted by the Commission in determining the criteria for identifying the backward classes under Article 15(4). The Memorandum of Action appended to the Report of the Commission while placing it on the table of the Parliament [as required by clause (3) of Article 340] on September 3, 1956, pointed out that the caste system is the greatest hindrance in the way of our progress to egalitarian society and that in such a situation recognition of certain specified castes as backward may serve to maintain and perpetuate the existing distinctions on the basis of caste. The memorandum also found fault with certain tests adopted by the Commission for identifying the backward classes. It expressed the opinion that a more systematic and elaborate basis has to be evolved for identifying backward classes. Be that as it may, the Report was never discussed by the Parliament.”*

**Our Observations:**

65. As observed above, the Kalelkar Commission report had as back as in the year 1955 classified Marathas as backward class observing their traits, traditions, occupations, etc. as elicited from the criteria fixed for identifying social backwardness. Though the said commission report was not tabled in Parliament, the significance of the said report to the extent of classifying Marathas as backward class cannot be overlooked. Perusal of the recommendations of Kaka Kalelkar Commission report, make it clear that the said Commission recommended to include the Maratha Community residing in Vidharba and Marathawada region which after 1960 merged in State of Maharashtra.

ii) **Shri. B.D. Deshmukh Committee – 1964:**

66. The General Administration Department of Government of Maharashtra vide Resolution, No. BCC. 1061-J dated 24<sup>th</sup> November, 1961 appointed a Committee under the Chairmanship of Shri B.D. Deshmukh consequent to a resolution moved by Shri A. G. Pawar in the Legislative Assembly on 30<sup>th</sup> August, 1961 to recommend the measures to be implemented by State government to secure adequate representation of all Backward Classes in government services as assured under Article 16(4) of the

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## Constitution of India.

### Terms of Reference for Committee:

67. The Terms of Reference for the B.D. Deshmukh Committee can be summarized as follows:

#### 1. Examination of Existing Measures:

- To examine the existing measures taken by the State for the satisfactory recruitment of Backward Classes to the Public Services of the State.
- To assess the extent to which these measures have achieved their objectives and the factors affecting their smooth implementation.

#### 2. Implementation and Adequacy of Reservation Percentages:

- To determine whether the reservation percentage is being properly implemented across all cadres and suggest ways and means for its effective implementation.
- To evaluate whether the existing reservation percentage is adequate and, if not, to suggest necessary revisions.

#### 3. Addressing Difficulties and Making Recommendations:

- To identify and address the difficulties encountered by Backward Classes.
- To make recommendations on several key aspects, including: a) Whether the existing reservation percentage should be modified and to what extent. b) Whether there should be separate reservations of vacancies for different categories of the Backward Classes. c) The basis for classifying other backward classes, whether it should be income-based or caste-based. d) How communities like Nav Buddhas, Vimukta Jatis, Nomadic Tribes, etc., should be categorized for the purposes of reservation.

The Recommendations of Committee:

68. B.D. Deshmukh Committee made several recommendations regarding the recruitment of backward classes in government services:

Simplified and Comprehensive Code:

- a. Develop a simplified, uniform, and comprehensive code or manual to govern the reservation of posts for Backward Classes.
- b. This code or manual should clearly enunciate the policies and principles of the government.

- c. It should specify in clear-cut terms the procedures and practices to be followed by the recruiting authorities.
- d. Prescribe the percentages for different categories of Backward Classes.
- e. Include procedures for checking and verifying the recruitment effected from year to year.

Permanent Machinery for Implementation:

1. Establish permanent machinery with plenary powers for:
  - a. Registration and submission of candidates.
  - b. Implementation of proper recruitment system and all measures to be taken by the State.
  - c. Inquiry and review of cases involving suppression of vacancies, suppression of officers from these classes, and issues related to promotions and supersession of such officers.
2. Ensure that members of the machinery include representatives from each category of the Backward Classes are equipped with necessary power to monitor and implement the system effectively.

Recruitment through Committees:

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- a. Execute recruitment (other than casual) through committees that include representatives to watch and safeguard the interests of the Backward Classes.
- b. These representatives do not necessarily have to belong to the Backward Classes.
- c. Advertisements and notifications of vacancies should also be communicated to recognized associations and organizations of Backward Classes, which should be specifically listed. However, these associations and organizations should only advise candidates about vacancies and examinations and not recommend any candidate or press for the appointment of any individual.

**Our Observations:**

69. The terms of reference of Committee and its recommendations make it clear that the B.D. Deshmukh Committee was appointed by the Government of Maharashtra to only recommend the measures to be implemented by government to secure adequate representation of all Backward Classes in government services as assured under Article 16(4) of the Constitution of India. The committee was not constituted to identify the backwardness or

otherwise of Maratha Community. Therefore, it is wrong to draw the conclusion that B.D. Deshmukh Committee denied the reservation to Maratha Community.

**iii) Mandal Commission - 1980**

70. The Hon'ble President of India appointed second National Backward Commission chaired by Mr.B.P. Mandal on 20<sup>th</sup> December, 1978 with an aim to identify socially or educationally backward classes, and to implement affirmative action and reservations in government jobs and educational institutions under Article 340 of the Constitution of India. The Commission submitted its report to the President of India on 31<sup>st</sup> December, 1980.

71. The report preferred a caste-based approach to determine social and educational backwardness. The Commission focused on identifying and helping socially and educationally backward classes. It proposed a 27% reservation in government jobs and educational institutions for Other Backward Classes (OBCs) with a view to improving their socio-economic status. This was in addition to the existing reservations for Scheduled Castes and

Scheduled Tribes, raising total reservation to 49.5%. The report used social, educational, and economic indicators to identify backwardness. The recommendations of Mandal Commission and their implementation sparked significant debate and controversy in India, affecting socio-political dynamics.

**The Research Methodology adopted by Commission:**

72. The Mandal Commission used several criteria to determine social and educational backwardness which are as follows:
  1. **Social Criteria:** The criteria comprised various aspects like caste and community perception, representation in government services, and traditional occupations for finding out social backwardness.
  2. **Educational Criterion:** The criterion had literacy rates, student enrolment at different educational levels, and dropout rates as it's key factors to ascertain educational backwardness.
  3. **Economic Criterion:** The criterion considered income levels and property holdings as important indicators of economic backwardness.

73. The Mandal Commission while conducting its survey to identify social, educational and economic backwardness used a methodology consisting of data collection, use of certain indicators and adopted a definite scoring system having 11 point scale is stated in brief as under:

Data Collection: The commission collected data on various social, educational, and economic parameters from public records, government records, census data and field surveys aimed at gathering first hand information about the conditions of different castes and communities.

1. Indicators used: The commission employed a range of indicators such as literacy rates, employment status, and representation in public services.
2. Scoring System: A scoring system was developed to evaluate the data collected. This system assigned points to various indicators of social, educational, and economic backwardness.
3. Scale Applied: The commission applied an 11-point scale, allocating points based on the degree of backwardness in each criterion.

74. By following the above methodology, the Commission analysed the data and identified the socially and educationally backward and accordingly made the recommendations stated hereinafter. .

**Mandal Commission's recommendations:**

1. Reservation of jobs in Central government and public sector undertakings for Other Backward Classes (OBCs).
2. Similar reservations in educational institutions.
3. Economic criteria alone should not be the basis for identifying backward classes.
4. The periodic review of the list of OBCs to include or exclude groups to be made.

These recommendations were aimed at reducing social and educational disparities.

Inadequacies of Mandal commission report as pointed out by the Supreme Court related to certain aspects of data reliability, over emphasis on caste, ignorance of terms of reference, not upto the mark socio-educational field survey, outdated and inadequate data and sketchy information on OBC representation.

**Our Observations:**

75. It is important to note that the Mandal Commission carried out survey of two villages and one urban block in each district of the country which is 01% of the population of country. This sample size for survey was fixed and taken as adequate due to limited time available to the Commission to submit its report. (See: Chapter XI, Point No.11.10 Page No. 50 of Mandal Report). But the fact remains that the sample size for survey to determine social, educational and economic backwardness of the different castes/classes was too small to be called a fairly representative sample of the population.
76. The Commission evolved eleven indicators or criteria for determining the social and educational backwardness. These eleven indicators or criteria were grouped under three broad heads i.e. Social, Educational and Economic. (See: Chapter XI Point No.11.23, Page No. 52 of Mandal Report). The questionnaire for general public contained 18 questions. These 18 questions were expected to cover all the eleven criteria adopted by the Commission to determine the social, educational and economic backwardness. But, that did not happen. The criteria and questions

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in questionnaire did not match each other. For example, the criteria for Social Backwardness at Sr. No. (iii) takes into consideration incidence of child marriages by pointing out instances where at least 25% of females and 10% of males above State average get married at an age below 17 years in rural areas and at least 10% of females and 05% of males do so in urban areas. But in the questionnaire, no question on early age marriage was included. (Reference: Page No. 102 of Report). It seems that the Commission had first finalized the questionnaire and later on determined the eleven criteria to determine the social, educational and economic backwardness through the survey.

77. The Commission determined the population of OBCs in its report by considering the Census Report of 1881 to 1931. These were the census in which caste wise enumeration was done only to be discontinued in 1931. On the basis of 1931 Census, the Commission culled out caste and community wise population, and then grouped them into broad caste-clusters and religious groups. These collectives subsequently aggregated under five major groups are as follows:

- i) Scheduled Caste and Tribes

- ii) Non Hindu Communities, Religious Groups etc.
- iii) Forward Hindu Castes and Communities
- iv) Backward Hindu Castes and Communities
- v) Backward Non-Hindu Communities (See: Chapter No. XII Titled Identification of OBCs Page No. 56 Para 12.20 of Mandal Report)

78. The entire population of the country was grouped as above in five groups. Thereafter the Commission prepared the list of Non-Hindu Community, Religious Group etc. and Forward Hindu Community. In the list of Forward Hindu Community, the Commission listed Maratha Community along with Brahmins, Rajput, Jat, Vaishyas and Bania, Kayasthas etc. The total population of Scheduled Caste and Tribes, Non Hindu Communities, Religious Groups etc. and Forward Hindu Castes and Communities was estimated to the tune of 56.30%. The remaining 43.70% population was identified as Other Backward Class and 08.40% population as Backward Non Hindu Communities and thereby estimating the entire population of OBCs to be of 52% in the Country. While conducting the survey for identifying the socially, educationally and economically backwards, the population belonging to Scheduled Caste and

Scheduled Tribes and Forward Hindu Castes and Communities was not included, which made the estimated percentage of OBCs as doubtful and unreliable. The Maratha Community included in the Group of Forward Hindu Castes was so added without any verification of its forwardness in comparison with backward classes of citizen.

79. The Mandal Commission did not take into consideration the Government Resolution passed by the Finance Department of Government of Bombay bearing Resolution No. 2610 dated 5-2-1925 which defined "Backward Classes" as all except Brahmins, Prabhus, Marwaris, Parsis, Banyas and Christians. Certain reservations in Government service were provided for these backward classes. The Maratha community was later on referred to as Intermediate Class and included at Sr.No.149 in the resolution passed by Political and Service Department, Government of Bombay vide Resolution No.1673/34 dated 23<sup>rd</sup> April, 1942. Even prior to 1942, the Maratha Community was given political reservation along with Schedule Caste under Sec.4 (i) of the Government of India Act, 1935 and 07 seats for Maratha Community had been reserved. This fact was, however, ignored

by the Mandal Commission and consequently Maratha Community en masse found its way into the Group of Forward Class along with other forward castes, which did not reflect the factual position in reasonably correct manner.

**iv) Justice Khatri Commission - 2000**

80. Justice Khatri Commission was formed to analyse and recommend whether the Marathas and Kunbis are one and the same or not.
81. The commission adopted a methodology consisting of reservation of text material and information reports in the following manner:-
1. Information from the 'Bharatiya Sanskriti Kosha' (Indian Cultural Encyclopedia) related to Marathas and Kunbis.
  2. Information from other English and Marathi reference books.
  3. Information from district-wise gazetteers.
  4. Information received from organizations.
82. These sources provided a base for the commission to analyze and understand the socio-cultural and historical aspects of the Maratha and Kunbi communities in the State of Maharashtra.

Conclusion and findings of Commission:

83. The conclusion and findings of the Commission regarding the Maratha and Kunbi communities are as follows:
1. The commission noted that the social groups identified as 'Maratha Kunbi' or 'Kunbi Maratha' should indeed benefit from being part of the Kunbi caste group.
  2. The commission recommended that individuals belonging to these sub-castes, Maratha-Kunbi or Kunbi-Maratha, should be eligible to receive certificates identifying them as members of the Kunbi caste.
84. In essence, the commission's findings highlighted the complexity within the Maratha and Kunbi communities and recommended specific guidelines for the categorization and recognition of sub-castes within these communities.

**Our Observations:**

85. Considering the report, it seems that there was no scientific survey carried out by it. The report of the commission, therefore, would be of little assistance to find out the backwardness or otherwise of the Maratha community

**National Commission for Backward Classes Report 2000 on inclusion of Maratha in Central List of Other Backward Classes**

The Research Methodology adopted by the Commission:

86. The Research Methodology adopted by the Commission for this report involved a combination of public hearings and analyzing written submissions.

Recommendations of Commission:

87. The Commission rejected the claim of Maratha Organization for the inclusion of "Maratha" in the Central List of Backward Classes as a synonym of "Kunbi". This recommendation is made based on the findings of the Commission, which concluded that "Maratha" is not a synonym of "Kunbi".

Our Observations on NCBC Commission:

88. Rejection of the claim of an organization of Marathas going by the name Akhil Bharatiya Maratha Mahasangh for inclusion of Maratha Community in the Central List of Other Backward Classes by the Commission was without any empirical survey or collection of any quantifiable data to support the decision. The

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commission relied upon only that material which it received during singular public hearing and some selected historical and ethnographic references.

v) **Justice Bapat Commission – 2008**

The Research Methodology Adopted by Commission:

89. Justice Bapat Commission was appointed for considering backwardness of Maratha. The said commission adopted a methodology comprising conduct of limited field survey and consultations with some organizations and backward communities.
90. The commission after its limited survey opined in different voices through its members on the aspect of including Marathas in backward classes. There were differing opinions within the commission as few members opined to include Maratha community in the backward category. The commission though recommended to the Government that including Maratha community in the OBC category would not be justifiable from a social justice perspective, the said recommendation / decision was not a unanimous decision.

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91. The survey methodology and reliability of the commission was not to the mark as is required by a commission which assesses backwardness of any particular class/community. There were instances of contradictory and superficial information.

**Our Observations:**

92. On the backdrop of shortcomings and lacunae in the Bapat Commission report, the conclusion is as follows:
1. Contextual and Comprehensive Assessment: The Commission's report appears to lack in holistic and context-sensitive assessment of the Maratha community's socio-economic status. Considering the diverse and complex nature of Indian society, such assessment requires a nuanced approach that captures the varied realities across different regions and sub-groups within a community. The shortcomings in data collection and analysis resulting from limited field survey suggest that the Commission may not have fully captured these complexities.
  2. Subjectivity in Interpretation: The presence of conflicting opinions within the Commission and the reliance on potentially inconsistent and superficial information point towards a degree

of subjectivity in interpreting the data. This subjectivity, stemming from diverse viewpoints and potentially based on inadequate information, could have influenced the Commission's conclusions.

3. Absence of Specific Criteria: The report indicates an absence of clear and specific criteria for assessing the socio-economic conditions of the Maratha community. This lack of specificity could lead to arbitrary or inconsistent assessments, reducing the report's credibility and effectiveness in guiding policy decisions.
4. Inadequate Data: The report's reliance on surveys and data that were collected with significant delays, and in some cases, in a rushed manner, raises concerns about the adequacy and reliability of the data. Inadequate data can lead to incomplete or misleading conclusions, especially in a complex issue like caste-based reservations.
5. Inconsistent and Contradictory Information: The presence of contradictory and superficial information in the submissions to the Commission undermines the integrity of the findings. This inconsistency likely reflects the complexity of the issue at hand

but also suggests a lack of rigorous verification and analysis of the data presented.

6. Survey Methodology: The methodology used in conducting surveys and collecting data appears to be flawed. Delays in data collection, inadequate responses from some districts, and hurried surveys compromise the quality of the data. This undermines the validity of the conclusions drawn from such data.

93. From the perusal of the commission report it appears that the limited field survey was carried out in certain districts which is reflected from the following data of number of people surveyed in each district:

- Ratnagiri: 47 people;
- Nanded: 49 people
- Gondia: 20 people
- Bhandara: 29 people
- Jalgaon: 52 people
- Sangli: 53 people
- Wardha: 56 people
- Yavatmal: 51 people

- Wasim:56
- Parbhani:56
- Beed: 50 people
- Thane: 48 people.
- Akola: 50 people
- Solapur: 56 people
- Nagpur: 39 people
- Sindhudurg: 12 people
- Raigad: 30 people
- Chandrapur: 17 people
- Satara: 27 people
- Amravati: 9 people
- Latur:19
- Dharashiv (Usmanabad): 25 People
- Ahmednagar:17
- Nashik:36
- Kolhapur:50
- Mumbai Sub-Urban:50
- Nandurbar:48
- Jalana:54
- Pune:40

- Hingoli:56

This would support our finding recorded earlier that methodology used in conducting survey and collecting material was flawed.

**vi) Rane Committee – 2014**

94. The Government of Maharashtra appointed a special Committee headed by a sitting Minister, Shri Narayan Rane to submit a report on the Maratha Caste. On 26.02.2014 Rane Committee submitted its report to the State and recommended that for the Maratha special reservation under Article 15(4) and 16(4) of the Constitution of India be provided.

95. The Rane Committee Report focuses on the inclusion of the Maratha community into Other Backward Classes (OBC). It begins by referencing the Indian Constitution's Preamble, emphasizing justice, liberty, equality, and fraternity. The report acknowledges the social and economic disparities in Indian society and the necessity of social democracy. It discusses the historical and legal background of reservations in India, referencing significant court cases, and examines the social, educational, and economic status of the Maratha community. The

report ultimately recommends the inclusion of the Maratha community in the OBC category, proposing specific criteria and guidelines for this process. Additionally, it suggests the creation of a new backward class for educational and economic reservation, with a recommended reservation percentage based on the community's backwardness and lack of representation.

**Our Observations:**

It is seen from the report of Rane Committee that it is not comprehensive and was not under the auspices of a Chairman of a Commission for backward Classes as required under MSBC Act 2005. The data collected was a bit inadequate and did not reflect correct representative sample.

**vii) Justice Shri M.G. Gaikwad Commission – 2018**

96. The Government of Maharashtra constituted Maharashtra State Backward Commission chaired by Justice Shri. M.G. Gaikwad on 20<sup>th</sup> December, 2018 with an aim to identify socially or educationally backward classes to implement affirmative action and reservations in government jobs and educational institutions under Article 340 of the Constitution of India. The Commission submitted its report to the Government of Maharashtra on 31<sup>st</sup>

December, 2018.

The research methodology adopted by Commission:

97. The research methodology of the Justice Gaikwad Commission for determining the social, educational and economic backwardness of the Maratha Community involved a combination of quantitative and qualitative approaches:
- (i) Selection of Sample Areas: The Commission selected a minimum of five Talukas from each selected district, ensuring at least 50% coverage of the total number of Talukas in these districts. At village level, it chose one small and one larger village based on demographic size - small village with a population of 1000 to 3000 and larger village with population exceeding 3000.
  - (ii) Sample Surveys: The Commission conducted sample surveys to collect information regarding the social, educational, and economic backwardness of the Maratha community. The Commission also collaborated with a group of social scientists to develop the questionnaire used in these surveys.

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- (iii) Survey Method: Different agencies were entrusted with conducting the survey to ensure robustness and impartiality. Frame work of the survey was determined in consultation with a group of social scientists. The survey was completed using a structured and scientifically designed questionnaire.
- (iv) Exclusion of Certain Areas: Districts and Talukas falling under Schedule V of the Indian Constitution (notified tribal areas) were excluded from the study. The focus was on remaining districts where the Maratha population was not predominantly tribal.
- (v) Use of Structured and Scientifically Designed Questionnaire: To ensure robust and unbiased results, different agencies conducted the survey using a structured and scientifically designed questionnaire.
- (vi) Survey Composition and Categorization: The survey included families belonging to various communities, such as Maratha Kunbi (OBC), Other Backward Classes and Open Class which includes minorities and unreserved castes, excluding SCs and STs. The respondents were asked about

their caste, with options like OBC, Maratha, Other Unreserved/Open Category Caste, or No Caste.

- (vii) Quantifiable Data Collection: The Commission collected quantifiable data about the Maratha caste/class in Maharashtra, including its population, no. of households, nature of professions and occupations, and other relevant factors. This data was obtained and analyzed in collaboration with the Rural Development Department (RDD) and the Gokhale Institute of Politics and Economics (GIPE), Pune. The findings were made after considering the data taken from the Socio-Economic Caste Census (SECC) of 2011.
- (viii) Case Studies: The Commission conducted case studies in specific regions to examine the socio-educational status of Maratha women, among other factors. These studies were carried out by the Gokhale Institute of Politics and Economics (GIPE), Pune which had submitted its findings to the Commission.
- (ix) Public Hearings and Expert Panels: Public hearings were conducted across the state, and a panel of experts, including

social scientists, statisticians, and sociologists, was appointed to analyze and interpret the survey data. This data was then collated along with findings from other contemporary surveys and historical data/case studies.

- (x) Collaboration with Government Departments and Universities: The Commission received assistance from various government departments and universities in the State of Maharashtra, which provided access to relevant data and literature for the study.
- (xi) Interviews and Data Collection Techniques: A significant number of respondents (15,936 Mathadis, for instance) were chosen for personal interviews, and the data was gathered from a variety of regions across the State of Maharashtra. This process involved both urban and rural areas, with specific focus on Maratha-dominated regions.
- (xii) Verification of Data from Other Sources: The Commission undertook examination of the quantifiable data collected by the Rane Committee with reference to the order of Bombay High Court in Writ Petition No. 4255 of 2017 and 5576 of

2017 passed on 04<sup>th</sup> May 2017. This was supported by additional materials and affidavits filed in the High Court of Bombay in pending proceedings, ensuring a thorough and comprehensive data validation process and accordingly verified the said data and considered it along with the empirical and quantifiable data collected by it.

The research methodology adopted by Justice Gaikwad Commission to determine the social, educational, and economic backwardness of the Maratha community in Maharashtra involved a multi-faceted approach.

Conclusion cum findings of Commission:

The key findings of the commission include:

- (i) Social Backwardness: The Commission found that a significant proportion of the Maratha community engages itself in physical labor, indicating social backwardness. It found specifically that 85.87% of Maratha males and 88.81% of Maratha females engage in physical labor, figures which are significantly higher than the state averages.

- (ii) Educational Backwardness: The educational status of the Maratha community was found to be backward. The survey revealed low percentages of Marathas with higher education as indicated by following figures:

Illiterates: 13.42%

Primary educated: 35.31%

SSC & HSC: 43.79%

Undergraduates & postgraduates: 6.71%

Technically/professionally qualified: 0.77%

The percentage of Maratha youth pursuing higher education was found to be drastically lower compared to the older generation.

- (iii) Economic Backwardness: The commission observed economic backwardness among the Maratha community and found that significant percentage of families fell under the Below Poverty Line (BPL) category, and that there was a high dependence on agriculture with a substantial portion of the population being marginal farmers. Many families were

found to be in debt, with a considerable number borrowing loans for non-agricultural needs.

(iv) Overall Backwardness: The Commission's overall assessment found the Maratha community to be socially, educationally, and economically backward. The community scored 15.5 out of 18 marks for social and educational backwardness and 6 out of 7 marks for economic backwardness, totaling 21.5 out of 25 marks.

(v) Reservation Scenario: The commission noted the complex situation arising from the inclusion of Marathas in the backward class category as the backdrop of likely significant increase of the total population eligible for reservations in the State thereby creating a challenging scenario for managing multiple reservation stakes.

**Our Conclusion:**

98. We have analysed the Gaikwad Commission report at great length and in detail. We have also examined the observations of the Apex Court wherein the Gaikwad Commission report was considered as a part of challenge made to the judgement of the Bombay High Court in the case of Jaishri Patil (*supra*) assailing SEBC reservation. We have minutely examined the judgment of

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Apex Court in Jaishri Patil (*supra*) in the context of observations made in regard to the Gaikwad commission. Bearing in mind the observations of the Apex Court, we have taken all such appropriate measures in the survey methodology of the present Commission as are necessary to make the process of collection of data and analysis more robust and comprehensive.

99. The observation of the Apex Court with regard to Gaikwad commission was that the said report was based on sample survey and therefore the Apex Court expressed some reservation on the said methodology. It needs specific mention herein that in contrast to the Gaikwad commission's report, the present Commission has undertaken comprehensive and extensive scientific survey encompassing each and every district, town and village of the State.
100. Since, the Gaikwad Commission report is pending further consideration in the curative petition being Petition No. 338 of 2023 before the Apex Court, we in our prudence, deem it appropriate to exercise restraint from making any further observation on the said Commission report.
101. This Commission has tried to tabulate a comparison of previous commission reports which is given hereunder:

## COMPARATIVE ANALYSIS OF NATIONAL AND STATE COMMISSION FOR BACKWARD CLASSES REPORTS

Sr. No.	Particulars	Kalelkar Commission 1955	B.D. Deshmukh Committee 1964	Mandal Commission 1980	NCBC 2000	Khatri Commission 2001	Bapat Commission 2008	Rane committee 2014	Galwad Commission 2018	Shukre Commission 2023
1.	Appointment date & Report submission	29.01.1953 Report submitted on 30.03.1955	24.11.1961 Report submitted in Month of January 1964	20.12.1978 Report submitted on 31.12.1980	Appointed under NCBC Act 1993 Report submitted on 25.02.2000	22.06.1995 Report Submitted in 2001	23.08.2004. Report submitted on 25.07.2008	23.03.2013. Report submitted on 26.02.2014	04.01.2017 Report submitted on 15.11.2018	13.11.2023 Reported being submitted.
2.	Legal status	First NCBC under Art.340 of Constitution	The committee was appointed by Legislative Assembly of Maharashtra under Resolution No.159 moved by Mr. A.G.Pawar	Second NCBC under Art.340 of Constitution.	Statutory Commission appointment under NCBC Act,1993	Appointment under Govt. Resolution	Appointment under Govt. Resolution	Appointment under Govt. Resolution	Statutory Commission appointment under MSBCC Act 2005	Statutory Commission appointment under MSBCC Act 2005
3.	Nature of appointment	Identification OBC for Reservation in Public Services and Education	Recommend measures to improve representation of Backward Classes in Public Services	Identification OBC for Reservation in Public Services	Appointed as per provisions of NCBC Act 1993	Identification Sub-Caste of Kunbi	Inclusion of Maratha Community in OBC	Inclusion of Maratha Community for Reservation in Public Services and Education	Inclusion of Maratha Community for Reservation in Public Services and Education referred to Commission	Inclusion of Maratha Community for Reservation in Public Services and Education referred to Commission
4.	Terms of Reference given or Not	Yes, Identification OBC for Reservation in Public Services and Education	Yes, Mainly to Recommend measures to improve representation of Backward Classes in Public Services	Yes, Identification OBC for Reservation in Public Services only	Terms of Reference was not given.	Yes, inclusion of Maratha Community in the OBC	No, Commission on representation of Maratha Organisation verified Backwardness	Only one terms of reference to include Maratha Community in the SEBC	Yes, terms of reference to include Maratha Community in the SEBC	Yes, terms of reference to include Maratha Community in the SEBC
5.	Nature of ToR	Reservation in public services & education.	Recommend measures to improve representation BCS	Reservation in Public Services only	N/A	Reservation in public services & education.	Nil	Reservation in Public Services & Education	Reservation in Public Services & Education	Reservation in Public Services & Education

Sr. No.	Particulars	Kalelkar Commission 1955	B.D. Deshmukh Committee 1964	Mandal Commission 1980	NCBC 2000	Khatri Commission 2001	Bapat Commission 2008	Rane committee 2014	Galkwad Commission 2018	Shukre Commission 2023
6.	Whether TOR is followed	Yes	Yes	No	Nil	Nil	Nil	Yes	Yes	Nil
7.	Qualification or status of Chairman	Member of Parliament	Ex-Chairman of MPSC and Expert in Administration.		Retired Judge of High Court	Retired Judge of High Court	Retired Judge of High Court	State Cabinet Minister	Retired Judge of High Court	Retired Senior Judge of High Court
8.	No. of Castes Recommended.	2299 Caste and Communities listed.	Nil	3743 Castes and Communities listed.	Only one Caste	Only one Caste	Only one Caste	Only one Caste	Only one Caste	Only one Caste
9.	Population Surveyed	Only Data from Central Govt.	Data from State Govt.	02 Villages 01 Urban Block in each Dist.	0	0	Some Questionnaires and 1202 Households of Maratha	18,56,625	43629 Households (Approx. 43629 Households multiplied by 05=218145)	15820264.
10.	Area of the population	Country	State of Maharashtra	Country	State of Maharashtra	State of Maharashtra	State of Maharashtra	State of Maharashtra	State of Maharashtra	State of Maharashtra
11.	Period taken	2 years approx.	2 years approx.	2 years approx.	One year approx.	8 years	4 years	11 Months	1 year 4 months approx.	-
12.	No. of pages of the report	500 Pages with annexures.	242 Pages with Annexures	274 Pages with annexures	24 Pages	24 Pages	57 Pages	126 Pages without annexures	4500 Pages including annexures	-
13.	Criteria of backwardness - Structured or un-organized	Unorganized but well thought criteria applied with information gathered from various sources	No criteria was determined as Committee to recommend measures for improvement of Backward Classes in Public Services	Structured criteria not applied to any caste but prepared in last phase of the report	Criteria not determined	Structured criteria but not applied	Structured Criteria but not applied	Structured criteria	Structured and Contemporary criteria	Structured and Contemporary criteria
14.	Systematic allotment of marks for backwardness	No Mark allotment but based on logical studies, categorization of classes with their respective	Recommendations only	No Mark Allotment, List of OBC from States procured and annexed to report	No.	No Mark allotment but based on logical studies, identification of caste with their respective traditional	No marks allotment only on bases of voting decision taken by Commission	No Marks Allotment but on bases of percentage of Social, Educational & Economic Backwardness	Allotment of marks with help of statistical experts by using scaling techniques and due weightage given for social, educational and	Binary scale of 250 marks

Sr. No.	Particulars	Katalkar Commission 1955 traditional occupation.	B.D. Deshmukh Committee 1964	Mandal Commission 1980	NCBC 2000	Khatri Commission 2001 occupation.	Bapat Commission 2008	Rane committee 2014 conclusion drawn	Gaikwad Commission 2018 economic backwardness.	Shukre Commission 2023
15.	Total marks for backwardness.	No	No	Total marks scheduled as 25 for 11 criteria	No	No	No	No Marks Allotment but on bases of percentage of Social, Educational & Economic Backwardness conclusion drawn	21.5 marks out of 25 marks	170 marks out of 250 marks
16.	Weightage for Social backwardness	Not applied	No	12 out of 22 marks were scheduled for Social backwardness but not applied.	Not applied	Not applied	Not Applied	No	10 out of 25 marks schedule for Social backwardness (40% weightage considering contemporary situation) and applied for final conclusion.	80 marks out of 110 marks (44% weightage)
17.	Weightage for educational backwardness	Not applied	No	6 marks were scheduled for educational backwardness but not applied	Not applied	Not applied	Not applied	Not applied	8 out of 25 marks schedule for Educational backwardness (32% weightage considering contemporary situation) and applied for final conclusion.	40 marks out of 80 marks (32% weightage)

Sr. No.	Particulars	Kalelkar Commission 1955	B.D. Deshmukh Committee 1964	Mandal Commission 1980	NCBC 2000	Khatri Commission 2001	Bapat Commission 2008	Rane committee 2014	Gaikwad Commission 2018	Shukre Commission 2023
18.	Weightage for Economic backwardness	Not applied	No	4 marks were scheduled for economic backwardness but not applied	Not applied	Not applied	Not Applied	Not applied	7 out of 23 marks schedule for Economic backwardness (28% weightage considering contemporary situation) and applied for final conclusion.	50 marks out of 60 marks (weightage 50%)
19.	If data of educational status collected from Govt. depts & Institutions?	No	No	No	No	No	No	Yes	Yes. Comprehensive data collected from educational institution and Govt. Department and used for final conclusions.	Yes. Extensive field survey and contemporaneous empirical and quantifiable data
20.	If data for Inadequacy of representation collected?	No data for inadequacy of representation in Govt. services was collected	Yes. Data of reserved category i.e. SC/ST/NT/DNT and OBC collected	No data for inadequacy of representation in Govt. services collected	No data for inadequacy of representation in Govt. services collected	No data for inadequacy of representation in Govt. services collected	No data of Maratha to determine inadequacy of representation in Govt. services was collected	Yes. Data of Maratha Community on representation in Govt. services collected and used for final conclusion	Yes. Data of Maratha Community on representation in Govt. services collected and used for final conclusion	3076
21.	Designed scientific research or not	No	Yes	Yes. But not properly followed while drawing the final conclusion	No	No	No	Yes. As per designed scientific method empirical and quantifiable data of Maratha on social, educational and economical backwardness collected	Yes. As per designed scientific method empirical and quantifiable data of Maratha on social, educational and economical backwardness collected	Yes. As per designed scientific method empirical and quantifiable data of Maratha on social, educational and economical backwardness collected

Sr. No.	Particulars	Kalekar Commission 1955	B.D. Deshmukh Committee 1964	Mandal Commission 1980	NCBC 2000	Khatri Commission 2001	Bapat Commission 2008	Rane committee 2014	Gaikwad Commission 2018	Shukre Commission 2023
22.	Research Methods adopted for fact finding	In consultation with Union and State Govt., through questionnaires data collected.	Facts and statistics related to recruitment of services collected from Govt. Departments	Data collected from Govt. Record and Census Data and field survey	Single public hearing, written submissions and historical and ethnographic references from few books	Information about Marathas and Kumbis collected from selective English and Marathi books, gazetteers and organisations collected	Meagre field survey, historical, sociological and anthropological information from few books	Data of social, educational and economic backwardness collected through questionnaire, Govt. record, field survey	Selection of sample areas, sample survey based on scientifically designed questionnaire made in consultation with group of social scientists, quantifiable data collected from various Govt. Depts., Govt. records, reports from GIPE, NSS, 2011, case studies, public hearing, interviews, historical and anthropological information from books and gazetteers, census data etc.	Extensive field survey and well designed methodology set out in detail in Chapter VII.

Sr. No.	Particulars	Kalelkar Commission 1955	B.D. Deshmukh Committee 1964	Mandal Commission 1980	NCBC 2000	Khatri Commission 2001	Bapat Commission 2008	Rane committee 2014	Gaikwad Commission 2018	Shukre Commission 2023
23.	Collection of Quantifiable data	Quantifiable data of educational status and representation in Govt. services not collected	Quantifiable data of representation of backward classes in Govt. services collected	Quantifiable data of educational status and representation in Govt. services not collected	Quantifiable data of educational status and representation in Govt. services not collected	Quantifiable data of educational status and representation in Govt. services not collected	No. Not a single figure about Maratha community was collected.	Quantifiable data of educational status and representation in Govt. services collected	Quantifiable data of educational status collected from Govt. Dept. and Universities of Maratha and representation in Govt. and Semi-Govt. services of Maratha collected	From Government, Semi-Government departments, universities, colleges.
24.	Survey (Size and Method)	No Sample survey carried out	No Sample survey carried out	Sample survey through questionnaire from 02 villages and 01 urban block from which district	No sample survey carried out	No sample survey carried out.	Sample survey of 1290 household carried out and few questionnaires from some district collected	Sample survey through software made by C-DAC carried on of 10% villages from each district and 10% from Municipal Corporation and Council from each district	Sample survey carried out of 05 Talukas in each district and adopted 02 villagers for stratified sampling throughout the State with the help of five independent research institutions appointed at Divisional level. Sample surveys of other research institutes of repute like Gokhale and NSS, 2011	Extensive field survey and quantifiable data upto the year 2024
25.	Proportion of the sample to the population	Nil	Nil	Only 0.12 % villages out of 650000 villages decided to be covered; but actually not collected single questionnaire.	Not applied	Not applied	0.44 % i.e. 1290 of Maratha families	31.60% i.e. 1,28,155 of Maratha families out of 4,05,478	68.33% i.e. 29,814 of Maratha families out of 43,629	Population of the entire State

Sr. No.	Particulars	Kalelkar Commission 1955	B.D. Deshmukh Committee 1964	Mandal Commission 1980	NCBC 2000	Khatri Commission 2001	Bapat Commission 2008	Rane committees 2014	Galkwad Commission 2018	Shukre Commission 2023
26.	No. of actual samples collected	Not collected	Not collected	Actually, there is no mention of number of samples collected in the report.	Not collected	Not collected	1290 Maratha families	1,28,155 of Maratha families out of 4,05,478 families	29,814 of Maratha families out of 43,629 families	Extensive thorough field survey.
27.	Agency for survey	Not engaged as survey not conducted	Not engaged as survey not conducted	Survey conducted through District Statistical office of district	Not engaged as survey not conducted	Not engaged as survey not conducted	Survey conducted through District Social Welfare Officer	Survey conducted through Revenue Officers supervised by Collector of District	Survey conducted through 05 reputed independent Research Institutions under supervision of members of commission.	Survey conducted through Gokhale Institute of Political Science and Economics, Pune
28.	Experts engaged to prepare Questionnaire	No	No	Yes	No	No	No	Yes	Yes	Yes
29.	Public hearings	Approx. 200 public hearings	No	Approx. 100 public hearings	Only one hearing at Mumbai.	No public hearing.	No public hearings.	No public hearing	Public hearing conducted 06 revenue region-wise in 21 Districts	The representations from public at large were called for by publishing advertisement in leading newspapers
30.	Representation received	Approximately 5,550	No	Approximately 3,050	Only 05 representations	22 representations	255 representations	No	1,97,522 representations	Representation
31.	Analysis of Data	Quantifiable data not collected hence, no analysis	Analysis of data	Data of inadequacy of representation analysed	Quantifiable data not collected hence, no analysis	No	No	Data analysed through software developed by C-DAC, Pune	Survey and quantifiable data collected and analysed by Expert Panel consists of statistician, economist, educationalist and socialist	Survey and quantifiable data collected and analysed by Gokhale Institute of Political Science and Economics, Pune

Sr. No.	Particulars	Kalelkar Commission 1955	B.D. Deshmukh Committee 1964	Mandal Commission 1980	NCBC 2000	Khatri Commission 2001	Bapat Commission 2008	Rano committee 2014	Gaikwad Commission 2018	Shukre Commission 2023
32.	Actual marks allotment	1	No	No	No	No	No	No	Marks allotment as per determined criterias after analysing and validating data by experts	Marks allotment as per determined criterias after analysing and validating data by experts
33.	Marks of Social Backwardness	No	No	No	No	No	No	No	Marks 07.05 out of 10 i.e. 75%	80 out of 110 marks
34.	Marks of Educational Backwardness	No	No	No	No	No	No	No	Marks 08 out of 08 i.e. 100%	40 out of 80 marks
35.	Marks of Economical Backwardness	No	No	No	No	No	No	No	Marks 06 out of 07 i.e. 86%	50 out of 60 marks
36.	Recommendation of Commission	By majority with 04 dissent report of members	Unanimous	By majority with 01 dissent report of member	Unanimous	unanimous	Out of 05 members 02 given separate report and 01 member absent as notice of meeting not served on her	Unanimous	unanimous	Unanimous
38.	Implementation of recommendation of Commission	No and Chairman himself requested not to accept report	Yes	Not accepted by Parliament and Govt., but after 10 years issued Office Memorandum without following provisions of Article 340(3) of Constitution	Accepted by Central Govt.	Accepted by State Govt.	Report not accepted by State Govt. and therefore, appointed Rano Committee	Accepted by State Govt., and passed ESBC Act, 2014 by creating ESBC category in which Maratha included	Accepted by State Govt., and passed SEBC Act, 2018 by creating SEBC category in which Maratha included	Does not arise so far.

**Summary of Comparative Analysis of National and State  
Commission Report**

102. Kalelkar Commission, 1955 and Mandal Commission, 1980 were the National Commission for Backward Classes constituted under Article 340 of the Constitution, focusing on identifying OBCs for reservation in public services. The National Commission for Backward Classes was statutory commission appointed under the National Commission for Backward Classes Act 1993, aimed at following the provisions of the NCBC Act 1993. The B.D. Deshmukh Committee, 1964 was appointed by the Legislative Assembly of the State of Maharashtra to recommend measures for improving the representation of OBCs in state public services. Justice Khatri Commission, 2001 and Bapat Commission, 2008 were appointed under a government resolution to identify Maratha as a sub-castes of Kunbi for inclusion in the list of OBCs and to consider the inclusion of the Maratha community in OBC respectively. Rane Committee, 2014 also appointed under a government resolution, focussed on the inclusion of the Maratha community for reservation in education and public services. Justice Gaikwad Commission, 2018 and Justice Shukre

Commission, 2023, the statutory commissions constituted under Maharashtra State Backward Classes Commission Act, 2005 have specifically considered the issue of inclusion of the Maratha community for reservation in education and public services.

103. The Kalelkar, Mandal, National Commission for Backward Classes, 2000, Justice Gaikwad and Justice Shukre Commission have a statutory or constitutional basis, providing them with a formal legal framework for their operation. In contrast, committees and commissions like B.D. Deshmukh, Khatri, Bapat, and Rane were appointed under government resolutions, indicating somewhat an ad hoc approach to address the specific issues or communities.
104. The differences among the commissions and committees in terms of their scope, coverage, marking system, survey size, weightage given to social, educational, and economic backwardness, and their methodology for identifying Other Backward Classes or Socially and Economically Backward Classes are marked and can be seen from the detailed examination of their work. These entities, we may say at the cost of repetition, have varied in their approach, focus, and methodology over the years, reflecting

different strategies for addressing backwardness and making recommendations for OBC/SEBC identification.

### **Scope and Coverage**

105. Kalelkar Commission and Mandal Commission being the National Commissions had a pan India scope, aiming to identify and categorize a wide range of backward communities across the country.
106. Later entities, such as the National Commission for Backward Classes, Khatri Commission, Bapat Commission and Rane Committee had narrower reach, often targeting specific communities or issues within the broader category of backwardness.

### **Marking System**

107. The Kalelkar and Mandal Commission introduced a socio-economic criterion for identifying OBCs, though it did not use a marking system as explicit as later commissions.
108. The Gaikwad Commission implemented a detailed marking system, allocating total marks for backwardness with specific

weightages for social, educational, and economic factors.

#### **Survey Size**

109. Survey sizes varied significantly, with earlier commissions or committees conducting broader assessments without specific mention of survey sizes, while later commissions or the committees like the Rane Committee and Gaikwad Commission, conducted intensive surveys to verify the social, educational and economical backwardness of the Maratha community.

#### **Weightage for Social, Educational, and Economic Backwardness**

110. Gaikwad Commission adopted a detailed weightage system, allocating marks out of a total for each category of backwardness, indicating a more nuanced approach to assess backwardness levels.
111. Other commissions did not specify their weightage systems as clearly but used some criteria to assess backwardness.

#### **Methodology of Identification of OBC/SEBC**

112. Kalelkar and Mandal Commissions used socio-economic criteria

and qualitative assessments to identify backward classes. Later commissions or committees like Rane Committee and Gaikwad Commission used empirical and quantifiable data, detailed survey to identify and assess the social, educational and economical backwardness of Maratha community. But like the Gaikwad Commission, Rane Committee did not follow a quantitative marking system

### **Our Conclusion**

113. The approach of these commissions and committees reflects a shift from broad, qualitative assessments to more targeted, quantitative analyses. While earlier commissions laid the groundwork for understanding and addressing backwardness in India, later commissions have built on this foundation with more sophisticated methodologies and targeted recommendations. This progression underscores an ongoing effort to refine the identification and support of OBC/SEBC communities, adapting to changing social dynamics and leveraging improved data collection and analysis techniques to support policy and social interventions.

## CHAPTER – VI

### REFERENCE OF JUDGMENTS OF SUPREME COURT ON THE SUBJECT OF RESERVATION

114. The Commission has considered judgments of the Supreme Court since the year 1951 till the year 2024 in aspects of reservation, exceptional and extraordinary circumstances to provide reservation, methodology of commission for determining backwardness, power of State and constitutional mandate to provide reservation. Following judgments primarily have been considered in threadbare:

Sr. No.	Particulars	Page No.
1.	State of Madras vs. Srimathi Champakam Dorairajan (1951 SCR 525, AIR 1951 SC 226)	-
2.	M.R. Balaji vs. State of Mysore (AIR 1963 SC 649)	-
3.	R. Chitrleka V/s State of Mysore (29 Jan. 1964) (AIR 1964 SC 1823)	-

4.	Minor P. Rajendran V/s State of Madras (17 Jan 1968) 1968 AIR SC 1012 and 1968 2 SCR 786	-
5.	State of A.P. and another V/s P. Sagar ( 27 March 1968) 1968 AIR SC 1379 and 1968 3 SCR 595	-
6.	Minor A. Peeriakaruppan V/s State of Tamil Nadu (1971) 1 SCC 38	-
7.	State of Punjab Vs. Hira Lal (1970) 3 SCC 567	-
8.	State of Andhra Pradesh Vs. U. S. V. Balram [(1972) 1 SCC 660]	-
9.	State of Kerala versus N.M. Thomas (1976) 2 SCC 310	-
10.	K. S. Jayasree VS State Of Kerala 1976 AIR SC 2381; 1976 3 SCC 730; 1977 1 SCR 194	-
11.	In Re : Special Courts Bill, 1978 (1979) 1 SCC 380.	-

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12.	K. C. Vasanth Kumar VS State of Karnataka 1985 Suppl SCC 714.	-
13.	Indra Sawhney Vs. Union of India (1992) Suppl. 3 SCC 217	-
14.	Unni Krishnan, J.P. & Ors. v. State of Andhra Pradesh & Ors. (1993) 1 SCC 645	-
15.	M. Nagaraj VS Union of India 2007 AIR SC 71; 2006 8 SCC 212; 2006 Supp7 SCR 33	-
16.	Ashoka Kumar Thakur VS Union of India & Others (2008 Supp. AIR SC 1; 2008 5 Scale 1; 2008 6 SCC 1; 2008 4 SCR 1; 2008)	-
17.	Ram Singh & Ors. Vs. Union of India (2015) 4 SCC 697	-
18.	Jarnail Singh & Others Versus Lachhmi Narain Gupta & Others (2018) 10 SCC 396	-
19.	B.K. Pavitra Vs. Union of India	-

	(2019) 16 SCC 129	-
20.	Janhit Abhiyan Vs. Union of India (2021) 11 SCC 78	-
21.	Chebrolu Leela Prasad Rao & Ors. Vs. State of Andhra Pradesh (2021) 11 SCC 401	-
22.	Jaishri Patil Vs. Hon'ble Chief Minister (2021) 8 SCC 1	-
23.	Jarnail Singh & Ors. V/s. Lachhmi Narain Gupta & Ors. (2022) 10 SCC 595	-

115. In *Indra Sawhney Vs Union of India* reported in (1992) Suppl. 3 SCC 217, which is a *locus classicus* in law on the point of reservation examines all the previous judgments in threadbare. The commission, as mentioned above, minutely considered each and every aspect laid down in *Indra Sawhney* in regard to criterias to be applied for determining the backwardness, methodology of survey, the considerations those are required to examine backwardness of a caste and/or a class and/or community with regard to its social educational and economic backwardness. The

commission since its composition has adhered to the principles on requisite material for identification of backwardness as enumerated in the case of Indra Sawheny (*supra*) followed in Jaishri Patil (*supra*). Since as mentioned above, Indra Sawheny (*supra*) takes into consideration all the previous constitution and larger bench judgments of the Apex Court, the commission has followed their dictum and ratio in its true spirit of letter and law. It is in that view, the commission has thought it appropriate not to burden the report with several judgments and their respective findings, observations unless they are essential and required in specific context to supplement commission's findings.

116. Indra Sawheny (*supra*) para 713 Page 672 and para 714 has made to State of Kerala versus N.M. Thomas (1976) 2 SCC 310 (Seven Judges), the Apex Court observed that the reservation can exceed 50%.

B.P. Jeevan Reddy (majority). Relevant extract:-

*"Para 713 ..... The Ld. Judge went further and held that the rule of 50% evolved in Balaji is a mere rule of caution and was not meant to be exhaustive of all categories. He expressed the opinion that the extent of reservation depends upon the*

*proportion of the backward classes to the total population and their representation in public services ....”*

*Referring to judgment in K.C. Vasanth Kumar versus State of Karnataka (1985) Supp SCC 714 and views of Ld. Judges therein;*

*“Para 714 ..... Chandrachud, C.J..... at any rate, he said, it is not for the court to lay down any such hard and fast rule....”*

*“Para 795 ..... At the same time, we think it appropriate to clarify that backwardness, being a relative term, must in the context be judged by the general level of advancement of the entire population of the country or the state, as the case may be. More than this, it is difficult to say. How difficult is the process of ascertainment of backward classes would be known if one peruses .....”*

117. The question to what extent reservation can be made and whether 50% rule enunciated in *Balaji* is a binding rule or only a rule of caution or rule of prudence has been answered in *Indra Sawheny* (*supra*) from paragraph 804 to 813.

*“Para 810 ..... while 50% shall be the rule, it is necessary not to put out of consideration certain extra ordinary situations inherent in the great diversity of this country and the people. It might happen that in farflung and remote areas the population*

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*inhabiting those areas might, on account of there being out of the mainstream of national life and in view of conditions peculiar to and characteristic to them, need to be treated in a different way, some relaxation in this strict rule may become imperative. In doing so, extreme caution is to be exercised and a special case made out....." (emphasis supplied).*

118. Justice S. Ratnavel Pandian, J. in concurring Indra Sawheny has examined the percentage of the extent of reservation that can be made and has quoted observation of Hegde, J. in the case of Hira Lal wherein the Supreme Court had observed that the length of the leap to be provided depends upon the gap to be covered. Relevant observations of the learned Judge are reproduced hereunder:

*"Para 183 ..... As to what extent the proportion of reservation will be so excessive as to render it bad must depend upon adequacy of representation in a given case. Therefore, the decisions fixing the percentage of reservation only upto the maximum of 50% are unsustainable. The percentage of reservation at the maximum of 50% is neither based on scientific data nor on any established and agreed formula. In fact, Article 16(4) itself does not limit the power of the government in making the reservation to any maximum percentage; but it depends upon the quantum of adequate representation required in the services. In this context, it would*

*be appropriate to recall some of the decisions of this Court, not agreeing with Balaji as regards the fixation of percentage of reservation .....*"

*"Para 189 .... I fully share the above views of Fazal Ali, Krishna Iyer, Chinappa Reddy, JJ. holding that no maximum percentage of reservation can be justifiably fixed under Articles 15(4) and/or 16(4) of the Constitution.*

*"Para 190..... It should not be out of place to recall the observation of Shri Hedge, J. in Hira Lal observing: (SCC P.572 Para 8)"*

*"The extent of reservation to be made is primarily a matter for the State to decide. By this we do not mean to say that the decision of the State is not open to judicial review.... The length of the leap to be provided depends upon the gap to be covered."*

*"Para 243 clause (9)"*

119. Another learned Judge, Sawant, J. in his concurrent opinion in Indra Sawheny also approved of a situation wherein reservation could exceed 50% depending upon facts and circumstance of each case. The observations made in paragraph 518 and 552 are reproduced hereunder:

*“Para 518 .... There is no legal infirmity in keeping the reservations under clause (4) alone or under clause (4) and clause (1) of Article 16 together, exceeding 50%. However, validity of the extent of excess of reservations over 50% would depend upon the facts and circumstances of each case including the field in which and the grade or level of administration for which the reservation is kept ....”*

*“Para 552 ..... Question 4: .... Ordinarily, the reservations kept both under Article 16(1) and 16(4) together should not exceed 50% of the appointments in a grade, cadre or service in any particular year. It is only for extra ordinary reasons that this percentage may be exceeded. However, every excess over 50% will have to be justified on valid grounds, which will have to be specifically made out....”*

120. In *M. Nagaraj* (supra), the Apex Court was concerned with Article 16(4-A) and 16(4-B) and its constitutional validity. Accordingly, the said judgment cannot be read to be an absolute proposition of fixing cap of reservation upto 50% for other backward classes. Para 102, 104, 121 and 123 of the judgment are reproduced hereunder:

*“Para 102 ..... Clauses (1) and (4) of Article 16 are restatements of the principle of equality under Article 14.*

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*Clause (4) of Article 16 refers to affirmative action by way of reservation. Clause (4) of Article 16, however, states that the appropriate Government is free to provide for reservation in cases where it is satisfied on the basis of quantifiable data that Backward Class is inadequately represented in the services. Therefore, in every case where the State decides to provide for reservation there must exist two circumstances, namely, "backwardness" and "inadequacy of representation". As stated above, equity, justice and efficiency are variable factors. These factors are context-specific. There is no fixed yardstick to identify and measure these three factors, it will depend on the facts and circumstances of each case. These are the limitations on the mode of the exercise of power by the State. If the State concerned fails to identify and measure backwardness, inadequacy and administrative efficiency then in that event the provision of reservation would be invalid."*

*"Para 104..... As stated above, be it reservation or evaluation, excessiveness in either would result in violation of the constitutional mandate. This exercise, however, will depend on the facts of each case."*

*"Para 121..... They retain the controlling factors or the compelling reasons, namely, backwardness and inadequacy of representation which enables the States to provide for*

*reservation keeping in mind the overall efficiency of the State administration under Article 335.*

*"Para 123. However in this case, as stated above, the main issue concerns the "extent of reservation". In this regard the State concerned will have to show in each case the existence of the compelling reasons, namely, backwardness, inadequacy of representation and overall administrative efficiency before making provision for reservation."*

121. In the case of Jaishri Laxmanrao Patil versus Chief Minister & Ors. 2021(8) SCC 1, the Apex Court examined the aspect of exceptional and extraordinary circumstances. Relevant excerpt of the same are reproduced hereunder:

*445. Shri Rohatgi submits that in para 810 of the judgment of Indra Sawhney [Indra Sawhney v. Union of India, 1992 Supp (3) SCC 217 : 1992 SCC (L&S) Supp 1], certain extraordinary circumstances have been referred to which cannot be said to be cast in stone. The extraordinary circumstances provided in para 810 i.e. of far-flung and remote area cannot be cast in stone and forever unchanging. He submits that the same was given only by way of example and cannot be considered exhaustive. Moreover, it is geographical test which may not apply in every State. In para 810 of Indra Sawhney [Indra Sawhney v. Union of*

*India, 1992 Supp (3) SCC 217 : 1992 SCC (L&S) Supp 1] ,  
B.P. Jeevan Reddy, J. provided : (SCC p. 735)*

*446. We fully endorse the submission of Shri Rohatgi that extraordinary situations indicated in para 810 were only illustrative and cannot be said to be exhaustive. We however do not agree with Mr Rohatgi that para 810 provided only a geographical test. The use of expression "on being out of the mainstream of national life", is a social test, which also needs to be fulfilled for a case to be covered by exception.*

*450. We thus are of the view that the extraordinary situations indicated in para 810 are only illustrative and not exhaustive but para 810 gives an indication as to which may fit in extraordinary situation.*

*459. We have noticed above that the majority judgment in Indra Sawhney [Indra Sawhney v. Union of India, 1992 Supp (3) SCC 217 : 1992 SCC (L&S) Supp 1] has laid down that reservation shall not exceed 50% as a rule. In the majority opinion, however, it was held that looking to the diversity of the country there may be some extraordinary situations where reservation in exceptional cases is made exceeding 50% limit. In this respect, we may again refer to paras 809 and 810 of the judgment of Indra Sawhney [Indra Sawhney v. Union of India, 1992 Supp (3) SCC 217 : 1992 SCC (L&S) Supp 1] by which the above proposition of law was laid down. Paras 809 and 810 are to the following effect : (SCC p. 735)*

474. We may revert back to para 810 where *Indra Sawhney* [*Indra Sawhney v. Union of India*, 1992 Supp (3) SCC 217 : 1992 SCC (L&S) Supp 1] has given illustration which illustration is regarding certain extraordinary situations. The exact words used in para 810 are : (SCC p. 735)

475. Shri Rohatgi had submitted that the test laid down in para 810 is only geographical test which was an illustration. It is true that in *Indra Sawhney* [*Indra Sawhney v. Union of India*, 1992 Supp (3) SCC 217 : 1992 SCC (L&S) Supp 1] the expression used was "far-flung and remote areas" but the social test which was a part of the same sentence stated "the population inhabiting those areas might, on account of their being out of the mainstream of national life and in view of conditions peculiar to and characteristic to them". Thus, one of the social conditions in para 810 is that being within the mainstream of national life, the case of Marathas does not satisfy the extraordinary situations as indicated in para 810 of *Indra Sawhney* [*Indra Sawhney v. Union of India*, 1992 Supp (3) SCC 217 : 1992 SCC (L&S) Supp 1] . The Marathas are in the mainstream of the national life. It is not even disputed that Marathas are politically dominant caste.

688.10. We fully endorse the submission of Shri Rohatgi that extraordinary situations indicated in para 810 of *Indra Sawhney* case [*Indra Sawhney v. Union of India*, 1992 Supp (3) SCC 217 : 1992 SCC (L&S) Supp 1] were only illustrative and cannot be said to be exhaustive. We however do not agree with

*Mr Rohatgi that para 810 provided only a geographical test. The use of the expression "on being out of the mainstream of national life", is a social test, which also needs to be fulfilled for a case to be covered by exception.*

*688.18. The word "adequate" is a relative term used in relation to representation of different castes and communities in public employment. The objective of Article 16(4) is that backward class should also be put in mainstream to enable to share power of the State by affirmative action. To be part of public service, as accepted by the society of today, is to attain social status and play a role in governance.*

*688.20. The Constitutional precondition for providing reservation as mandated by Article 16(4) is that the backward class is not adequately represented in the public services. The Commission laboured under misconception that unless Maratha community is not represented equivalent to its proportion, it is not adequately represented. Indra Sawhney [Indra Sawhney v. Union of India, 1992 Supp (3) SCC 217 : 1992 SCC (L&S) Supp 1] has categorically held that what is required by the State for providing reservation under Article 16(4) is not proportionate representation but adequate representation.*

122. In the *Ram Singh Vs. Union of India*, (2015) 4 SCC 697 case, Supreme Court of India was considering the inclusion of the Jat community in the Central List of Backward Classes. The petitioners therein challenged a notification including Jats in the

list, arguing that the decision was taken without adequate data and was influenced by political motives. The case involved an examination of reports from various State Commissions and the National Commission for Backward Classes (NCBC), as well as the Union Government's decision-making process in overriding the NCBC's advice. The key issues included the criteria for determining social and educational backwardness, the representation of Jats in government services, and the application of reservation policies. The judgment delved into the legal and constitutional provisions related to the reservation for Other Backward Classes (OBCs) and the role of the NCBC in this context.

123. Relevant excerpt of Ram Singh (*supra*) is reproduced hereunder:

*"52. A very fundamental and basic test to determine the authority of the Government's decision in the matter would be to assume the advice of NCBC against the inclusion of the Jats in the Central List of Other Backward Classes to be wrong and thereafter by examining, in that light, whether the decision of the Union Government to the contrary would pass the required scrutiny. Proceeding on that basis what is clear is that save and except the State Commission Report in the case of Haryana (Justice K.C. Gupta Commission Report) which was submitted*

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*in the year 2012, all the other reports as well as the literature on the subject would be at least a decade old. The necessary data on which the exercise has to be made, as already observed by us, has to be contemporaneous. Outdated statistics cannot provide accurate parameters for measuring backwardness for the purpose of inclusion in the List of Other Backward Classes.*

.. ..”

124. Reading of Ram Singh (*supra*) judgment makes it clear that the identification of backwardness has to be on contemporaneous record by use of empirical data. It has to be objective and data-driven to assess backwardness and representation, focusing on current, relevant, and specific information.

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**CHAPTER - VII**  
**RESEARCH METHODOLOGY**

**125. Prologue:**

The Commission while formulating its research methodology has studied earlier commission reports and also has considered universally applicable norms for collection of data and its analysis. The Commission considered criteria for backwardness referred in several commission reports, such as Kaka Kalelkar, Mandal Commission and NCBC.

The Commission considered criteria which encompassed aspects of trait, occupation, form of security of employment, level of education attainments, extent of representation in government service and most emphatically position in social hierarchy so as to determine social and educational backwardness.

The research methodology is a bundle of plan, tools and approaches to be adopted for carrying study of a target group for achieving a definite purpose. It would broadly include the research design, sampling techniques, data collection methods, and

analytical approaches employed in the study. It circumscribes a sequence of steps, which include identifying the problem, conducting a literature review, formulating objectives and hypotheses, designing the research, defining the study area, selecting samples, gathering data, analyzing data, and writing the report. These methodologies are endorsed by both international and Indian scholars, including William Goode, Professor of Sociology at Columbia University; Dr. P. L. Bhandarkar, former Vice-Chancellor of Nagpur University; C. R. Kothari, former Principal of the College of Commerce at the University of Rajasthan, Jaipur; and Dr. Sukhadev Thorat, former Chairman of the UGC and ICSSR in New Delhi

**126. Topic of Study:**

It consists of study of social, educational and economic status of unreserved class vis-à-vis maratha class in the state of Maharashtra..

**127. An Outline of Research Done:**

This part outlines the methodology of the study covering its objectives, research design, key concepts with its operational

definitions, the scope of study, sampling design, methods and tools , the process of data collection, and data processing and analysis techniques. This is basically a quantitative research study which is widely used in various social sciences including Sociology, Economics, Marketing, Community health, Human development, Gender and Political science.

Quantitative research involves systematic empirical investigation of social phenomena using statistical, mathematical or numerical data or computational techniques. It focuses on collecting numerical data through structured questioning, enabling the generation of hard facts and statistics. This approach involves posing specific, narrow questions to participants and gathering numerical data from them. For statistically reliable results, it is crucial to survey to have a large and representative sample of the target group.

One of the strength of quantitative research lies in its ability to produce quantifiable and reliable data that are usually generalizable to a broader population. Quantitative analysis also allows researchers to test specific hypotheses, in contrast to qualitative research, which is more exploratory. This distinction highlights the

importance and utility of quantitative analysis in social science research.

(Anderson, M.L. and Taylor, H.F. (2009). *Sociology: The Essentials*. Belmont, CA: Thomson Wadsworth.)

**128. Review of related literature:**

A literature review examines a material such as surveys books, reports, scholarly articles, and other relevant sources that pertain to a particular issue, area of research, or theory, and by so doing, provides a description, summary, and critical evaluation of these works in relation to the research problem being investigated. While reviewing ,the Commission has examined the reports from both National and State Backward Class Commissions, as well as various committees appointed by the Government over time. The Commission has also referred to various books, articles, and online resources pertaining to reservation policy and related issue, which are mentioned in Bibliography.

**129. Rationale of the Study:**

The State has been witnessing a growing demand from the members of the Maratha Community to provide them reservation in educational institutions in the State and appointments in public

services and posts as socially and educationally backward. Government of Maharashtra has requested the Commission to examine as per the Terms of Reference, the claim of citizens belonging to Maratha Community residing within the State of Maharashtra of being Socially and Educationally Backward Class.

The Commission felt it necessary to conduct a comprehensive socio-economic survey across the State in order to collect fresh quantifiable data and information and also to scrutinize and inspect the data and information collected in the past by the National Backward Class Commission, State Backward Class Commission and the Committees appointed by the State Government from time to time, for determining the social and educational backwardness of Maratha Community and the Commission has accordingly conducted such socio-economic survey. The purpose of this study is to identify the socio-educational and economic status of Maratha in comparison to Open class in the State of Maharashtra .

**130. Objectives of the Study:-**

- (a) To understand the socio-economic and educational profile of the Maratha Community and open class in Maharashtra,

(b) To find out disproportionate imbalance of representation of open class viz a viz Maratha Community in education and services,

(c) To inspect earlier reports of the State Backward Class Commission, National Backward Class Commission and the Committees appointed by the State Government from time to time for determining the social and educational backwardness of Maratha Community,

(d) To make appropriate recommendations,

**131. Operational Definitions of the Key Concepts used in the Study:**

A concept is an abstraction of observed things, events phenomena. The concepts must be defined in abstract terms, giving the general meaning they are intended to convey. This may be called the "formal definition". The concepts must be defined in terms of the operations by which they will be represented in particular research. Such a definition is known as the "operational definition" (sometimes called the "working definition") of the concept. Such definitions are designed to make possible collection of data which the scientist or researcher is prepared to accept as forming the

indicators or empirical referents of the concept.

The formal and operational definitions of the concepts used in this study are as follows:-

- i) Above Poverty Line (APL) - Above Poverty Line means those families which have an income above the poverty line.
- ii) Agriculture labour: All those persons who derive a major part of income as payment for work performed on the farms of others.
- iii) Agricultural loans: Loans which are availed of by a farmer to fund seasonal agricultural operations or related activities like animal farming, pisci-culture or purchase of land or agricultural tools which include loans taken for buying inputs such as fertilizers, seeds, insecticides etc., engaging labour for cultivating and harvesting the crops, purchasing of land, or purchasing of agricultural tools, storage of produce and transport, defraying cost of ploughing land for sowing, weeding, and transplantation .
- iv) Aided educational institution: An educational institution, other than a public educational institution established or

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maintained by any person, organisation, institution or community with financial assistance from the Ministry responsible for education;

- v) Backward Classes: Backward classes of citizens other than the Schedule Castes and the Schedule Tribes, as specified by the State Government in the lists,
- vi) Backwardness: It is a state of having made less progress than is normal or expected. It is the state of not being advanced, or of using modern methods, technology, or machines.
- vii) Below Poverty Line (BPL): It is a level of personal or family income below which one is classified as poor according to governmental standards. It is an economic benchmark related to threshold income. The people whose income is beneath this threshold are below the poverty line.
- viii) Caste: A caste is one of the traditional social classes into which people are divided in a Hindu society. It is a collection of families or groups of families bearing a common name; claiming a common descent from an ancestor, human or divine; professing to follow the same

hereditary features; and regarded as a single homogeneous community. (Sir Herbert Risley/Hutton)

- ix) Category of Government Employees: Groups into which government servants Central or State Government are organised, like Group 'A', Group 'B', Group 'C' and Group 'D', which broadly indicate to the rank, status and the degree of the level of responsibility attached to the posts falling in the respective groups.
- x) The Central Civil Services - Various Civil Services of India that are exclusively under the jurisdiction and power of the Government of India.
- xi) Central Government: The Government of India (*Bhārat Sarkār*; often abbreviated as GoI), or simply the Centre.
- xii) Commission – The Maharashtra State Commission for Backward Classes constituted under Section 3 of the Maharashtra State Commission for Backward Classes Act, 2005.
- xiii) Community: Group of people with common social, cultural characteristics.
- xiv) Consumption loans: Loans which are given in order to meet consumption needs which may range from medical

- emergency, marriage purpose, educational purpose, family chores etc. and/or to purchase various belongings like car, television, refrigerator, etc. for personal or family usage;
- xv) Creamy Layer: A layer used to describe members of a backward class who are advanced socially, economically as well as educationally, having gross annual income from all sources more than Rs. 800,000.
- xvi) Dabbewala: A worker who delivers lunch boxes taken from homes and restaurants to people at work in India, especially in Mumbai and who take box/lunch boxes and return to homes, when initial pick up is from homes.
- xvii) Disability: Any condition that makes it more difficult for a person to do certain activities or have equitable access within a given society and which include those which are cognitive, developmental, intellectual, mental, physical and sensory, or a combination of multiple factors.
- xviii) Domicile of Maharashtra - Any person from the State of Maharashtra who is a resident in the State for the last 15 years.
- xix) Dowry: As defined in Section 2 of Dowry Prohibition Act, 1961 as amended by the Dowry Prohibition (Amendment)

Act, 1986.

- xx) Dropout Rate – A dropout rate which is measured in terms of the percentage of students who leave school before completing their level/grade which is a critical indicator of the effectiveness of the education system.
- xxi) Dropout : A person who is ever enrolled who does not complete the last level of education for which he/she has enrolled and is currently not attending any educational institution.
- xxii) Educational status: A status indicating a person's current position or stage in his/her educational journey signifying whether someone is actively enrolled in an educational institution, such as a school or college, or has already completed their formal education or not.
- xxiii) The Employment Guarantee Scheme (EGS) – A scheme called Mahatma Gandhi National Rural Employment Guarantee Scheme of the Central Government which guarantees at least 100 days employment in a financial year to every rural household whose adult members volunteer to do unskilled manual work. (The Government of Maharashtra guarantees unskilled employment to

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labourers over and above 100 days).

- xxiv) Exceptional circumstances: The circumstances which are unusual, unique or beyond ordinary in relation to social/ educational status or state of development of a community.
- xxv) Extraordinary situation: – The instances of social, educational, economic backwardness cumulatively leading to the community not being part of main stream of society in real sense of the term.
- xxvi) Family: Usually a group of people related by blood or marriage which include, i) nuclear family i.e. Husband, wife and their unmarried children and many also include parents, ii) extended family i.e. a family which extends beyond the nuclear family to include grandparents and other relatives is called an extended family.
- xxvii) Joint family – A family consisting of a husband and wife, their sons, their unmarried daughters and their son's wives and children.
- xxviii) Family income – The income from all sources like salary and wages of family members, occupation, profession etc.
- xxix) Family Size: A size determined by the number of



members normally residing in a household.

- xxx) Gross Enrolment Ratio (School Education): A ratio used to assess the extent of student enrolment levels of education, such as primary, secondary, or tertiary education and is arrived at by dividing the total number of enrolled students in a particular level of education (e.g., primary level/Grades 1 to 5) by the corresponding population within the age group (e.g., 6 to 10+ years), and then multiplying the result by 100.
- xxxii) Gross Enrolment Ratio (Higher Education): A ratio used in higher education which measures the number of students enrolled in higher education as a percentage of the eligible population aged 18 to 23 years and is arrived at by dividing the total enrolment in higher education by the corresponding eligible population (18 to 23 years) and multiplying it by 100.
- xxxiii) Graduate: Persons who have completed their Bachelor's Degree course.
- xxxiiii) Housing: A building or structure that people, usually one family, live in and which are of two types; a) *Pucca* House i.e. a house made from materials which include

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iron, bricks, cement, steel, etc., to form a concrete or long lasting structure and b) *Kuccha* House i.e. a kind of house made from materials which include bamboo, mud, grass, reed, stones, thatch, straw, bricks and /or having roof of tin or asbestos sheets to form a structure.

- xxxiv) Household: A household consists of one or more persons who live in the same dwelling or housing.
- xxxv) House-wife: A married woman who manages the household as her main occupation and whose spouse usually earns the income for the family.
- xxxvi) Immovable Property: As defined in Section 2(6) in the Registration Act, 1908.
- xxxvii) Income: Something which refers to wages, salaries, profits, rents, and any flow of earnings received.
- xxxviii) Inter-caste Marriage: A marriage also known as marrying out of caste, is a form of exogamous nuptial union that involves two individuals belonging to different castes.
- xxxix) Indebtedness: The condition of owing money, or the amount of money owed.
- xl) Infant Mortality Rate (IMR): The number of infant deaths in a single year for every 1,000 live births in the same year

and is calculated annually by taking the number of infant deaths during the first year of life and dividing it by the number of live births throughout the same year and then multiplying it by 1000.

- xli) Irrigated land: The agriculture land supplied with water by artificial means such as canals and tube wells.
- xlii) Insurance: An assurance against unforeseen and unfortunate loss in the nature of legally binding agreement between an insurer (insurance company) and an insured (individual), in which an insured receives financial protection from an insurer for the losses he may suffer under circumstances specified in the agreement.
- xliii) Inter-religion marriage: A marriage, also called an inter-religious marriage or "mixed marriage", which is between spouses professing different religions or faiths.
- xliv) Maratha Community: A group of castes mainly engaged in agriculture, and are, at present, in open category.
- xlv) Marriageable age: It is an age which refers to a legal age or the minimum age subject to parental, religious or other forms of social approval, at which a person is legitimately allowed to marry. At present, in India the minimum age

of an Indian girl for marriage is 18 years, and for boys it is 21 years.

- xlvi) Mathadi Kamgar: A worker doing manual labour by also using the head and it includes work relating lifting, loading, unloading and stacking.
- xlvii) Manual Labour: Any work performed by hand or physical labour.
- xlviii) Mental Health: It is a state of mental well-being that enables people to cope up with the stresses of life, realize their abilities, learn well and work well, and contribute to their community and is an integral component of health and well-being that underpins a person's individual and collective abilities to make decisions, build relationships and shape the world he or she lives in.
- xlix) Migration: A movement of people from one place to another made in search of employment, better educational and health facilities and so on and so forth.
- l) Mortgage: As defined in Section 58 of the Transfer of Property Act, 1882, and includes, 'pledge' as defined in Section 172 of the Indian Contract Act, 1872.
- li) Non-irrigated land: A land where cultivation of crops is

dependent on rain-fed irrigation.

- lii) Occupation: An activity or work in which one engages regularly as a means of earning a living.
- liii) Open Class: A Class representing unreserved category which includes a group of castes not included in SC, ST or OBC category.
- liv) Person with disability: A person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation equally with others.
- lv) Pre-school age: Age typically referring to children between the ages of 3 and 5 years.
- lvi) Post Graduates: Persons who have completed their Master's Degree course.
- lvii) Profession: A profession typically referring to a path indicating individuals who have acquired specialized skills or knowledge for the purpose of earning a living.
- lviii) Project Affected Person (PAP): Any person who owns or occupies land, property or other assets or structures which are adversely affected by the Project, or whose livelihood, business, trade or other occupation is adversely affected as

a result of the Project, and who is declared accordingly as eligible to receive compensation.

- lix) Public-sector employment: Any employment of the Government whether Central, State or Local government.
- lx) Reserved category: A category which includes Scheduled Castes (SC), Scheduled Tribes (ST) and Other Backward Classes (OBC).
- lxi) Reservation: A system of affirmative action in India which provides historically or otherwise disadvantaged groups representation in education, employment, government schemes, scholarships and politics.
- lxii) Retired Person: A person who retired on attaining the age of superannuation or in advance of this age under certain circumstances permissible in law.
- lxiii) Right: A moral or legal claim to have or to get something or to behave in a particular way.
- lxiv) Salaried Employee: A person who receives a fixed and regular compensation generally per month for the services provided to the employer.
- lxv) Social Backwardness: A societal belief about lack of overall progress or advancement of one class or group of

persons as compared to another class or group of persons which is perceived to be the result of the former following certain value systems, social and religious practices, norms, traditions, beliefs, trade and occupations, housing patterns and dietary habits considered as inferior or low in standing or low in esteem by the latter.

- lxvi) Social Status: It includes social conditions verified standing of individuals and households in the society determined by levels of income, educational attainments, family structures, housing, together with special customs and traditions etc. affecting the life, welfare and relations of human beings in the community.
- lxvii) Socio-Economic Status (SES): An individual's position in a society which is determined by wealth, occupation, and social class and is a measure of an individual's or group's standing in the community.
- lxviii) State Government: Government of Maharashtra,
- lxix) State Services: The state-level civil services within the jurisdiction of the State Government in which employees work under the control supervisor of the state government.
- lxx) Superstitious practices: Practice of belief system called

“superstition” which includes beliefs and practices surrounding luck, amulets, astrology, fortune telling, spirits, and certain paranormal entities, particularly the belief that future events can be foretold by specific unrelated prior events.

- lxxi) Suicide: Death caused by injuring oneself with an intent to die.
- lxxii) Traditional occupation: Any occupation which has been passed on from generation to generation and may require certain skills which are acquired in the family and includes caste-based occupations,
- lxxiii) Work Participation Rate (WPR): The percentage of total workers to the total population (Census, 2001).
- lxxiv) Un-Aided educational institution: An educational institution, other than a public educational institution established or maintained by any person, organisation, institution or community which does not receive funding from the government.
- lxxv) Us-tod Kamgar (Sugarcane cutter workers): A Sugarcane workers who cuts sugarcane.
- lxxvi) Vita-Bhatti Kamgar (Brick Kiln Worker): The class of

workers residing temporarily at the brick kiln for the purpose of preparing an earthen along with the help of soil, water, grass and ash and making earthen bricks.

**132. Area of Study:**

The Area of Study was entire State of Maharashtra. The Commission finds it necessary to state here some broad geographical, political and administrative features of the State to highlight the complex socio-cultural nature of the area of study. The State occupies the western & central parts of India and has 720 km long coastline along the Arabian Sea and is fortified naturally by Sahyadri and Satpuda mountain ranges. The State is surrounded by Gujarat to the north west, Madhya Pradesh to the north, Chhattisgarh to the east, Telangana to the south east, Karnataka to the south and Goa to the south west. With a population of 11.24 crore as per Population Census 2011 (Projected population of 2023 around 12.60 Crore) and with geographical area of about 3.08 lakh sq. km, the State ranks 2nd by population and 3rd in terms of geographical area. It has 36 districts, 358 Talukas, 44647 Villages, 27 Municipal Corporations, 245 Municipal Councils, 140 Town/Nagar

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Parishads, 34 Zilla Parishads, 351 Panchayat Samitis and about 27910 Village Panchayats and 7 Cantonment Boards. For administrative purposes, the State has been divided into 6 revenue divisions and 36 districts (Table -1.), of which Nagpur (6 districts) and Amravati (5 districts) Divisions, (formerly part of Central Provinces and Berar) popularly known as Vidarbha, are in the eastern part of the State. Aurangabad Division, in central part, consists of eight districts which were part of the Nizam of Hyderabad princely state – commonly known as Marathwada. The three divisions namely Pune (5 districts), Nashik (5 districts) and Konkan 6 (districts), were part of the Bombay Presidency. The State capital Mumbai is the financial capital of India.

**Table - List of Revenue Divisions & Districts**

Sr No.	Nagpur	Amravati	Aurangabad	Nashik	Pune	Konkan
1	Bhandara	Akola	Chhatrapati Sambhaji Nagar.	Ahmednagar	Kolhapur	Mumbai City
2	Chandrapur	Amravati	Beed	Dhule	Pune	Palghar
3	Gadchiroli	Buldhana	Hingoli	Jalgaon	Sangli	Mumbai Sub Urban
4	Gondia	Washim	Latur	Nandurbar	Satara	Raigad
5	Nagpur	Yavatmal	Jalna	Nashik	Solapur	Ratnagiri

6	Wardha		Nanded			Sindhudurg
7			Osmanabad			Thane
8			Parbhani			

**133. Population or Universe of Study:**

All items in any field of inquiry constitute a 'Universe' or 'Population' of study. For the purpose of this study, Universe comprised of head / responsible adult member of all the families residing in the State of Maharashtra.

**134. Research Design:**

A research design is the arrangement of conditions for collection and analysis of data in a manner that aims to combine relevance to the research purpose with economy in procedure. In fact, the research design is the conceptual structure within which research is conducted. It is a blue print for the collection, measurement and analysis of data. Research designs differ depending on the research purpose just as the plan of a building would depend upon the purpose for which it is intended to be used.

There are four different research designs namely--

A) Design for exploratory or formulation studies,

- B) Design for Descriptive studies
- C) Diagnostic Studies
- D) Design for experimental study

For the present study, exploratory and descriptive design was selected. Descriptive studies are the ones that aim at describing accurately the characteristics of a group, community or a group of people.

**135. Field Survey:**

An extensive thorough field survey was conducted throughout the whole geographic region of Maharashtra. It has encompassed every district, taluka and city in the State of Maharashtra. The survey was designed with the objective of providing a clear, evidence based understanding of the Maratha community's social, educational and economic status.

**136. Methods and Tools of data collection-**

There are two methods of data collection:

- A) Primary method
- B) Secondary method

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While deciding about the method of data collection to be used for the study, the researcher should keep in mind two types of data viz. Primary and Secondary.

The primary data is the data which is collected afresh and for the first time and thus it happens to be original in character.

The secondary data, on the other hand, is such data which has already been collected by someone else.

The methods of collecting primary and secondary data differ since primary data to be originally collected while in case of secondary data the nature of data collection is merely that of compilation.

### 137. Methods of collecting Primary data-

Following are the methods of collecting primary data –

1. Observation Method,
2. Interview Method,
3. Questionnaire Method

In order to ensure accuracy, reliability and validity of data the commission decided to collect necessary data by using interview method (structured interview) and an interview schedule as a tool.

Proper attention was given for constructing an appropriate and effective interview schedule (Annexure 1). Criteria, Objectives and various aspects of the study were taken into account while developing the interview schedule, in which mostly simple close ended questions were used in order to collect necessary data regarding Social, Educational and Economic Status of Maratha Community and Open Class. Due thought has been given to the appropriate sequence of putting of questions. The Commission entrusted the crucial task of helping the Commission with assessing the backwardness of the Maratha community to the Gokhale Institute of Politics and Economics, Pune, a reputed organization in the field of research. This task comprised help with formulating a questionnaire, creating a software for a hand held that could be deployed in the field, vetting this processes for robustness, training the Master Trainers who would train the intermediaries and enumerators who would operate in the field. It also was to help with data security protocols, data extraction and analysis and tabulation of the responses after cleaning the data. The survey on massive scale was conducted in the entire State of Maharashtra during 23<sup>rd</sup> January to 2<sup>nd</sup> February 2024 with the help of 1,96,259 trained enumerators (Government employees, Teachers of

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government and aided schools etc.). Together the data, enumerators made contact with more than 1,58,20,264 households and used Computer Assisted Personnel Interviews (CAPI) software for efficient data collection. The Government of Maharashtra extended full support and cooperation in survey work. Right from Divisional Commissioners, District Collectors (DMs), Municipal Commissioners, Sub-Divisional Officers, Tahsildars, Nayab Tahsildars, Talathis extended their cooperation and monitored the field survey work. The Gokhale Institute of Politics and Economics, Pune which has wide experience in the field of Survey and Research Studies conducted the training for the Master Trainers who in turn imparted training to enumerators. Gokhale Institute provided training materials and resources (SOPs, training videos, one-page instructional documents, and messaging guides), which empowered the master trainers, sub-trainers, and enumerators with the knowledge and tools they needed to carry out their respective roles effectively. Call Centre (Help Line) was established to assist enumerators to resolve issues faced by them during the course of data collection. All household information captured during the survey was encrypted in JSON format.

Public Opinion- In addition to the information collected by way of field survey, this Commission gave opportunity to the public in the State of Maharashtra to send their views on the subject of reservation to the Maratha Community, on Commission's email. For this purpose, this Commission had given Public Notice (advertisement) in all editions of popular newspapers of the State, Daily Lokmat, Daily Sakal, Tarun Bharat, Pudhari. The Commission has received 3076 mails during the designated period, which were categorized and analyzed separately.

Accordingly, responses from 3076 persons were received. The responses were largely in the nature of subjective opinions, for or against, about providing of reservation to Maratha community, and these opinions were not backed by any reasons and, therefore, did not furnish any material worthy of consideration.

**A) Collection of Quantifiable data-**

Quantifiable data has been collected from various sources like

- i) Public records and statistics,
- ii) Historical documents,
- iii) Reports and publications of various organizations,

- iv) Publications of Central, State and local governments,
- v) Books, Magazines and Newspapers, Letters,
- vi) Reports prepared by Research Scholars, Universities, Research organizations etc.
- vii) Judgments of High Courts and Supreme Court,
- viii) Reports of the National and State Commission for Backward Classes and Committees,
- ix) Websites,
- x) Biographies and Autobiographic etc.

The Commission has collected-

- i) Reports of National Commissions, State Backward Class Commissions and the Committees appointed by the State Government from time to time, for determining the social and educational backwardness of Maratha Community and their inclusion in the list of backward classes.
- ii) Various Judgements of the High Courts and the Supreme Court of India regarding the issue of reservation,
- iii) Caste category wise data/information was collected to determine the adequacy of representation of Maratha Community in the public employment under Central and State Government establishments, Public Sector Undertakings,

Universities and other Institutions aided and funded by Government.

iv) Information/ data from the State Public Universities, Health University, Animal Husbandry & Fisheries University, Agriculture University to find out the Caste category wise percentage of students studying for different courses.

v) information/ data regarding enrolment of Caste category wise students in school, passing percentage and drop outs etc from School Education Department of Government of Maharashtra,

vi) information/ data regarding Mathadi Workers, Construction Workers, Farmers Suicide etc. from the concerned departments,

### 138. Analysis of data-

The data after collection, has to be prepared for analysis. The primary data collected through Survey and data collected from other sources was raw and was converted to the form that was suitable for the required analysis.

Following steps were taken for data analysis –

- 1) De-duplicating, Cleaning of data,
- 2) Tabulation of data,

3) Statistical Analysis,

4) Graphical Representation

According to the Gokhale Institute, after de-duplicating and cleaning, the data of 1,58,20,264 households was available for scientific analysis. Out of this 1,58,20,264 households Gokhale Institute analysed data of 55,15,708 households comprising of Maratha and open class households.

**139. Interpretation & conclusions-**

After proper analysis of data through different statistical methods, inferences were drawn by the Commission on the basis of Criteria developed by the Commission and Terms of Reference. Analysis of data collected from other sources was also done by the Commission in order to draw inferences. The team of experts from Gokhale Institute of Economics and Politics, Pune did the work of statistical analysis of data by using recognised and established scientific methods. It was on the basis of such analysis, vetting, verification and conclusions drawn that the final step of preparation of report was taken by the Commission.

**140. Report Writing:**

Research report is considered a major component of the research

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study for the search task remains incomplete till the report has been written and presented. Accordingly, this Report has been prepared and it is under the guidance of Chairman of the Commission by a team consisting of experts from the faculty of law, statistics and social sciences.

141. Gokhale Institute of Politics and Economics, Pune has given its detailed report under the caption of "Maharashtra Backwardness Survey Report" on project design, methodology, execution of the extensive field survey and statistical analysis of data collected. This report is being submitted separately as an Annexure.