

Maharashtra files 2,800-page affidavit to justify Maratha reservation

<http://timesofindia.indiatimes.com/city/mumbai/State-files-2800-page-affidavit-to-justify-Maratha-reservation/articleshow/55821535.cms>

MUMBAI: The [Maharashtra](#) government filed a 2,800-page [affidavit](#) to justify the [reservation](#) for Marathas as legal and that it did not violate constitutional provisions. Among farmer suicides in the state, the percentage was higher among the [Maratha](#) community, said the affidavit, which cited references to back its stand that the community is socially and educationally backward, and thus in need of reservation.

The affidavit relied heavily on a new Gokhale committee report, pre-Independence articles, Constitutional notes of Dr Babasaheb Ambedkar, the Vedas and references to earlier dynasties to show that Marathas were described all along as a "backward" community in need of reservation.

It attacked PILs challenging the reservation introduced by the state in 2014 on legal points too. The PIL wrongly interpreted the Supreme Court ruling to submit that a state cannot exceed reservation by 50%, it said. The judgement put no bar on reservation and said it may exceed if exceptional circumstances are shown and which are covered under Articles 15 and 16 of the Constitution, said the Maharashtra government.

The state had entrusted Gokhale Research Institute to conduct a fresh survey across districts on the community. The institute had conducted a survey of every district of Maharashtra, which the state said corroborate earlier reports of the Bapat commission and Rane committee. Both those reports had also recommended reservation for Marathas on the basis that the community is inadequately represented in government jobs as education in the community is less ,and they are socially backward, said the state.

The 300-page Gokhale report says the community mainly belongs to those who are labourers, mathadi kamgar, sugarcane-cutters and poor farmers.

The affidavit, vetted by government pleader Abhinandan Vagyani, and filed late on Monday, referred to the constitutional notes of Dr Ambedkar which had pointed out that the community is backward and needed reservation.

It took reference of 78 pre-Independence documents to show that the community is socially and educationally backward and relied on references from Shahu Maharaj dynasty's time to state that reservations were given to the community.

The actual affidavit is about 800 pages long and rest are annexures. Pre-Independence documents include old government gazettes and documents to show the backwardness of the community. It has also relied on the Vedas to show that Kshatriyas are among the five "varnas". The hearing on the PIL will now take place on December 7 before a bench headed by Chief Justice Manjula Chellur.

The HC had in November 2014 stayed a 16% quota for Marathas under a new economic and socially backward category created by the state for the community.