



आमदार
विधानपरिषद सदस्य



सत्यमेव जयते

हरिभाऊ राठोड
आमदार (MLC)

माजी खासदार
लोक सभा

मोबाईल: ९९२०७१६९९९
टेली फॅक्स: ०२२ २५६८६६९९

Reservation for Marathas

If the Government has willpower, reservation can be given, but...

Everybody knows that the issue of reservation for Marathas is going worsen. I am of the opinion that the Maratha should get reservation, but the issue is not being sorted out because the questions about reservation "which, where, how much" are not being sorted out. Those who speak, write, and demand, discuss only the point, that the Maratha Society must get Reservation. They demand Maratha reservation, but nobody is speaking clearly. Hence this article is written.

If we have to give reservation to Maratha community, at the outset we should consider provisions of law and constitution. Dr. Ambedkar had taken a long term and far reaching view and had made provision for Reservation to Scheduled Castes and Scheduled Tribes. As per this provision, the states are given constitutional powers. Let us consider the provisions of clause 16(4) of the constitution. It states that "Nothing in this article shall prevent the state from making any provision for the reservation of appointments or posts in favor of any backward class of citizens which in the opinion of the State is not adequately represented in the services under the State.

It is clear that as per the above provision, that if any backward class has not got appropriate representation, the provision for reservation can be made. Hence the state Government has to see what is the population of Maratha Community and while doing this, the population of O.B.C. community also has to be actually counted. The report of Rane Committee will not do. We will not accept it and even the court will not accept it. This is the basic point. If the government has will power, in the beginning, the population of backward classes, O.B.C., Notified Communities, Nomadic Tribes, Dhangars (Shepherds), Vanjaris, Mali (Gardens), Teli (Oil Man), Barabalutedar (People perusing 12 professions) Atharapagad Jati (Various Castes) should be counted cast wise as per the list prepared by Mandal Commission. This is very easy. The utility and importance of Computers in this scientific age is so much that it is very easily possible to make this counting along with counting of Maratha Community within one month. This can be linked with Adhar Card, but the issue is of willpower of the Government.

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If such cast wise population figures are available with the Government, then the O.B.C. and Marathas can be given Reservation along with DNT and NDS whatever the figure may be 52%, 40% or 60%. If the figure goes above 50%, then constitution can be amended.

The previous Governments had taken a decision to make provision for separate Reservation, but when this Reservation was challenged in the Mumbai High Court, then this Reservation was stayed. Now this ball of Reservation has been sent in the Court of Commission for Backward Classes. This ball is sent in the Court of Public. Tomorrow this ball will go to Government, then it will go to the Court and the Court will ask "Whether the government has collected data so as to prove that the Maratha Community does not have proper/adequate representation? Has it been proved that this community is backward? What is the true & correct population of Community? Has the Government actually counted it?" If the answer is "No" to this, even if the Government takes any decision, and even if the Commission for Backward Classes makes any recommendation, the claim made by the Maratha Community shall not stand in High Court or Supreme Court.

I am giving some suggestions to the Government to grant Reservations to Maratha community and to give Legal Stability and strength to the same. I am definitely sure that if the Government shall implement these suggestions ditto word to word, then only we can grant reservation as per provisions of clause 16(4) of the constitution. This is because I have studied the provisions of Constitutions and Reservation thoroughly and in depth for last 20 years. I have been submitting this subject of the government level. I have studied the thoughts expressed by Shahu Maharaj at the time of granting reservation in detail. Shri Dr. R. Naik, member of Mandal Commission, had submitted a dissent note at time of submission of report of Mandal Commission. I have studied that note. I have also studied the decision given by the a Judge's Bench of Hon. Supreme Court in the matter of Indra Sahani V/S Union of India and more important is that I have studied the speech given by Dr. Babasaheb Ambedkar at the time of discussing the provisions of article 16(4) and getting them approved. In the year 1948, Shri T. T. Krishnamachari, Member of Parliament had asked questions regarding this clause. What is the meaning of "Backward Class". The answer given by Dr. Ambedkar was excellent, with a long term vision, well



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learned and very correct even in present circumstance. Dr. Ambedkar had said "If the castes like Barabalutedar, Atharapagad Jati, Castes engaged in traditional occupations and deprived and neglected classes have not got appropriate representation in Government Employment & Administration, we are empowering the States to grant Reservation as per this Clause. Dr. Ambedkar has raised a doubt in his speech that the rulers should use their conscience and then take decision. He had also suggested that there shall be disputes in respect of this matter, and litigation shall also take place. In such a situation, the government should use their conscience and take a decision which is true based on this clause.

It is necessary that the Government should do following:-

Stage No 1:- the Caste wise population of all OBC, DNT & ND, Barabalutedar, Special Backwards Class, Kunbi, Marathas should be counted by Computer, Linking with Adhar Card, or by any other App or by Physical counting and the report should be submitted in one month. Whatever may be the method, the counting has to be done.

Stage No 2:- The data regarding the number of Employees and Officers in State service and also the data regarding number of Maratha Officers and Employees should be declared.

Stage No 3:- the Government should create an up-to-date office for the Commission for Backward Classes, provide them all facilities and administrative support so that the Commission shall submit its report at an early date.

Stage No 4:- After the caste wise population of DNT, NT, O.B.C., Marathas is available; even though the figure exceeds 52% Reservation of 50% of this figure can be given and while giving this Reservation, the Reservation given to O.B.C. is not to be touched. While doing so, the constitution can be amended if required, because the BJP is ruling of both State and Center. It is worth mentioning that if the central government brings this bill no Political Party shall dare to oppose the bill. The question is of willpower of the State Government.

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