

## Bill Summary

# The Maharashtra State Reservation for Socially and Educationally Backward Classes Bill, 2024

- The Maharashtra State Reservation for Socially and Educationally Backward Classes Bill, 2024 was introduced in the Maharashtra Legislative Assembly on February 20, 2024. The Bill identifies the Maratha community as a socially and educationally backward class, and provides 10% reservation to this class in recruitment for government jobs, and admissions to public as well as private educational institutions.
- It repeals the Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments in the public services and posts under the State) for Socially and Educationally Backward Classes (SEBC) Act, 2018. It provided for 16% reservation to SEBCs including the Maratha community. In 2021, a Constitution Bench of the Supreme Court held that certain provisions of the Act were unconstitutional.
- **Reservation for the Maratha community:** The Bill specifies that the 10% reservation for Maratha community will be over and above the seats reserved for various communities under existing Acts in the state. The reservation for the Maratha community will apply to: (i) government jobs and (ii) admissions in educational institutions including all private educational institutions. The following will be exempted from reservation: (i) super specialised posts in medical, technical and educational fields, (ii) minority educational institutions, (iii) posts to be filled by transfers or deputations, (iv) temporary appointments of less than 45 days, and (v) single post in any cadre or grade.
- **Creamy layer:** Reservation will be available only to those persons who do not fall in the creamy layer bracket. Creamy layer refers to criteria such as a family income level, above which a person is not eligible to get the benefit of reservation.
- **Carry forward of vacancies:** In case a reserved seat lies vacant in any year, the vacancy will be carried forward for up to five years. Such a vacant seat will not be counted among reserved vacancies for subsequent years. If sanctioned posts are not adequate to reserve at least one post for each category, the government will fill the seat in rotation.
- **Penalty:** Admissions or appointments made in contravention of the provisions of the Act will be void. Contravention of provisions of the Act will be punishable with imprisonment up to 90 days, or a fine up to Rs 25,000, or both. Offences under the Act will not be cognisable.
- **Procedure for issuing caste and validity certificate:** Provisions under existing Acts that deal with providing caste certificates will apply to the Maratha community as well.

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