



OBC Reservation in Local Bodies

For Prelims: [OBC Reservation in local body polls](#), Article 243D(6) and Article 243T(6), K. Krishnamurthy (Dr.) v. Union of India (2010), [PESA Act 1996](#), Triple Test

For Mains: OBC reservation in local body polls and in education and jobs, Arguments in favour and against OBC reservation

[Source: TH](#)

Why in News?

Recently, the state government of Gujarat hiked [reservations for Other Backward Classes \(OBCs\)](#) from the existing 10% to **27% in the panchayats and urban local bodies.**

Note:

- In 2022, the [SC permitted Madhya Pradesh](#) to provide reservation to OBC in Local Body Elections.
- In January 2022, [following a plea by Maharashtra govt SC recalled its 2021 order](#) which stayed 27% reservation for OBC in local body elections.

What are the Key Points about this Decision?

- The decision followed recommendations of the **Justice K S Jhaveri Commission** that was formed in response to a [Supreme Court \(SC\)](#) directive in 2022 to make suggestions for OBC reservation in local bodies in Gujarat.
- The expanded 27% OBC reservation **will apply to all levels of local bodies** (municipal corporations, municipalities, gram panchayats, taluka panchayats, and district panchayats).
- The increased OBC reservation, however, will **not be applicable in areas covered by the [PESA Act 1996](#)** where the [scheduled tribe \(ST\)](#) population exceeds 50%. In such regions, OBC candidates will receive a **10% reservation.**
- The **existing quota for SCs (14%) and STs (7%)** remains unchanged without any breach of the [50% reservation ceiling as mandated by the SC.](#)

What is the SC's View about Reservation in Local Bodies?

- In the five-judge Constitution Bench decision in ***K. Krishnamurthy (Dr.) v. Union of India (2010)***, the SC interpreted **Article 243D(6) and Article 243T(6)**, which permit reservation **by enactment of law** for backward classes in panchayat and municipal bodies respectively.
 - The SC also held that the barriers to political participation are not the same as the barriers that limit access to education and employment.

- [Article 15 \(4\)](#) and [Article 16 \(4\)](#) form the basis for reservation in education and employment.
- However, the SC also held that although reservation to local bodies is permissible, it is subject to empirical finding of backwardness in relation to local bodies as fulfilled through the [triple tests](#) which refers to the following three conditions:
 - Set up a **dedicated Commission to conduct empirical inquiry** into the nature of the backwardness in local bodies
 - **Specify the proportion of reservation** required to be provisioned local body-wise
 - Such **reservation shall not exceed an aggregate of 50%** of the total seats reserved for SCs/STs/OBCs taken together.

What are the General Arguments regarding OBC Reservation in Local Body Polls?

▪ Arguments in Favour:

- **Empowerment, Inclusion and Participation:** Reservation provides OBC individuals with opportunities to participate actively in local governance, allowing them to voice their concerns, advocate for their communities, and contribute to policy-making that affects their lives.
- **Policy Relevance:** Elected representatives from OBC communities are more likely to understand the challenges faced by their communities and work towards addressing them effectively.
- **Skill and Leadership Development:** Reservation would provide them more opportunities to gain experience in leadership roles, public speaking, and decision-making.
- **Enhanced Political Awareness:** It would encourage political awareness and engagement among community members inspiring them to contribute more actively in the political process.
- **Long-Term Positive Impact:** Proponents argue that over time, this may lead to a more equitable distribution of resources, improved socio-economic indicators, and reduced disparities between different sections of society.

▪ Arguments Against:

- **Caste-Based Division:** Some opponents contend that caste-based reservations perpetuate divisions within society, emphasising differences rather than fostering unity.
- **Disadvantaged Groups Within OBCs:** There is concern that within the OBC category, some groups may be more privileged (creamy layer) than others. Implementing reservations for the entire OBC category might result in some relatively more privileged groups benefiting disproportionately, while the most marginalised OBCs remain underrepresented.
- **Reservation Efficacy:** Sceptics also question the long-term efficacy of reservations in truly addressing socio-economic disparities. They argue in favour of alternative approaches like targeted welfare programs, skill development etc.
- **Impact on Local Governance:** There are apprehensions about political considerations outweighing governance concerns when candidates are elected through reservations. This could hinder effective decision-making and the overall development of local bodies.

UPSC Civil Services Examination, Previous Year Questions

Q. Local self-government can be best explained as an exercise in (2017)

- (a) Federalism
- (b) Democratic decentralisation
- (c) Administrative delegation
- (d) Direct democracy

Ans: (b)

Q. Consider the following statements: (2016)

1. The minimum age prescribed for any person to be a member of Panchayat is 25 years.
2. A Panchayat reconstituted after premature dissolution continues only for the remainder period.

Which of the statements given above is/are correct?

- (a) 1 only
(b) 2 only
(c) Both 1 and 2
(d) Neither 1 nor 2

Ans: (b)

- According to Article 243F of the Indian Constitution, the minimum age required to become a member of Gram Panchayat is 21 years. **Hence, statement 1 is not correct.**
- According to Art 243E(4) of the Indian Constitution, a Panchayat constituted upon the dissolution of a Panchayat before the expiration of its duration will continue only for the remainder of the period for which the dissolved Panchayat would have continued. **Hence, statement 2 is correct.**

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