



OBC Quota in Local Body Polls

For Prelims: OBC Reservation, Urban Local Bodies

For Mains: Significance of OBC Reservation in Local Body Elections

Why in News?

Recently, the [Supreme Court \(SC\)](#) permitted Madhya Pradesh to **provide reservation to [Other Backward Classes \(OBC\)](#) in [Local Body Elections](#)**, modifying an **earlier order that suspended the quotas** due to a lack of data.

- Currently, local bodies in Madhya Pradesh have quotas only for [Scheduled Castes](#), [Scheduled Tribes](#) and women.
- This is the **first time that a state government has managed to clear the [triple test](#) formula mandated by the apex court** in the context of providing reservation for OBCs in local body polls.
- Earlier, the SC while hearing a plea by the Maharashtra government **decided to recall its [December 2021 order](#)**, which stayed 27% reservation for [Other Backward Classes \(OBCs\)](#) in local body elections.

What is the Background?

- In 2021, the SC **scrapped OBC quotas in local body polls in Maharashtra and Madhya Pradesh**, and the Odisha high court cancelled a similar move in the state because the exercise didn't pass the triple test.
- The **Triple-Test Formula, laid down by the Supreme Court in 2010** and later reiterated in March 2021, required the **states to appoint a commission, collect quantifiable data of the community, and allocate reservation to them in local bodies** in such a manner that the total reservation in each seat does not exceed 50%.

What is the Ruling?

- The SC directed the **state to notify the OBC seats, accepting a report of the three-member OBC commission formed by Madhya Pradesh in 2021.**
- This commission **quantified the population of OBCs in the state at 48% and permitted reservation** of varying quantum across each municipal seat, extending to a maximum of 35%.
- SC permitted the Madhya Pradesh State Election Commission **to notify the election programme for the respective local bodies** keeping in mind the [delimitation notifications](#) already issued by the state government.
- The order was passed on a petition filed by an individual who challenged in April 2022 the amendments to the Madhya Pradesh Municipal Act, 1956, Madhya Pradesh Panchayat Raj Avam Gram Swaraj Adhinyam, 1993, and Madhya Pradesh Municipalities Act, 1961.
- By these amendments, **the state government authorized itself to determine the number and extent of wards in the local bodies concerned.**

What is the 2010 Supreme Court Judgement?

- The five-judge Constitution Bench decision in *K. Krishnamurthy (Dr.) v. Union of India (2010)* wherein the Supreme Court had **interpreted Article 243D(6) and Article 243T(6)**, which permit reservation by enactment of law for backward classes in panchayat and municipal bodies respectively, to hold that barriers to political participation are not the same as that of the barriers that limit access to education and employment.
- However, for creating a level playing field, reservation may be desirable as mandated by the aforementioned Articles which provide a separate constitutional basis for reservation, as distinct from what are conceived under **Article 15 (4) and Article 16 (4) which form the basis for reservation in education and employment.**
- Though reservation to local bodies is permissible, the top court declared that the same is subject to empirical finding of backwardness in relation to local bodies as fulfilled through the triple tests.

What is a Local Government?

- **Local Self Government** is the management of local affairs by such local bodies who have been elected by the local people.
- The local self-Government includes **both rural and urban government.**
- It is the **third level of the government.**
- There are **2 types of local government in operation - Panchayats** in rural areas and **Municipalities** in urban areas.

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

Exp:

- Democracy means decentralisation of power and giving more and more power to the people. Local self governments are looked upon as instruments of decentralisation and participatory democracy.
- To examine the working of the Community Development Programme (1952) and the National Extension Service (1953) and to suggest measures for their better working, the Gol appointed a committee in January, 1957 under the chairmanship of Balwant Rai G Mehta.
- The committee submitted its report in November, 1957 and recommended the establishment of the scheme of 'democratic decentralisation', which ultimately came to be known as Panchayati Raj or unit of Local Self Government.

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

Exp:

- 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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