

4. Local Body Election Reservation – Polity

SC won't lift stay on quota in Telangana civic polls. The Supreme Court upheld the Telangana High Court's stay on enhancing OBC reservations in local bodies to 42%, citing the 50% constitutional ceiling on total reservations. The Court allowed local elections to proceed within the 50% limit, reaffirming earlier constitutional precedents.

Context

The **Supreme Court of India** has recently declined to interfere with the **Telangana High Court's order** that stayed two government orders (GOs) which aimed to enhance **OBC reservation in local bodies** – municipalities and panchayats – from the existing percentage to **42%**. Had this been implemented, the **total reservation** in local bodies would have reached **67%**, including –

1. **15%** for Scheduled Castes (SCs)
2. **10%** for Scheduled Tribes (STs)
3. **42%** for Other Backward Classes (OBCs)

The Court's decision is significant because it reiterates the **constitutional limit of 50%** for total reservations, as laid down in previous landmark judgments.

Supreme Court's Observations

1. **Refusal to Interfere** – The Supreme Court **dismissed Telangana's appeal** against the High Court order, thus maintaining the stay on enhanced OBC quotas.
2. **Adherence to Constitutional Precedent** – The Court observed that it cannot take a view inconsistent with previous **Constitution Bench rulings** that fixed a **50% ceiling** on total reservations (*Indra Sawhney, 1992*).
3. **Allowing Elections to Proceed** – The Court permitted **local body elections** to go ahead **without** implementing the enhanced OBC quota, ensuring that total reservations **remain within the 50% limit**.
4. **High Court Autonomy** – The Supreme Court directed that the **Telangana High Court** could decide the case **on its own merits**, without interim interference.

Understanding the Legal and Constitutional Context

1. The 50% Ceiling Rule – The **Supreme Court**, in the *Indra Sawhney vs Union of India (1992)* judgment, ruled that **reservation in public employment and education should not exceed 50%**, except in **extraordinary situations**. The Court clarified that exceptions could be made for **socially and educationally backward communities** residing in remote or isolated areas, but not as a general rule. This principle is considered part of the **"basic structure"** of the Constitution and has been consistently upheld.

EWS Exception (103rd Constitutional Amendment, 2019) – The amendment introduced **10% reservation for Economically Weaker Sections (EWS)**. The Supreme Court (2022) upheld it, clarifying that the **50% limit applies only to non-EWS reservations**, allowing total reservations (including EWS) to reach **60%** in certain contexts. However, this does **not** relax the 50% cap for caste-based quotas (SC, ST, OBC).

2. Reservation in Local Bodies

Constitutional Framework –

Article 243D – Provides for reservation of seats in **Panchayats** for **SCs, STs, and women**, in proportion to their population in the local area.

Article 243T – Provides for similar reservation in **Municipalities**.

One-third of all seats (including SC/ST seats) are reserved for **women**. **Reservation of Chairperson posts** (like Sarpanch/Mayor) is also mandated.

Reservation for OBCs – The **73rd and 74th Constitutional Amendments (1992)** did **not** make OBC reservation mandatory. Many States, including Telangana, Maharashtra, Madhya Pradesh, and Tamil Nadu, have extended OBC reservation through **state laws or ordinances**. However, OBC reservation must comply with the **Supreme Court's "Triple Test"** and the **50% ceiling**.

3. The "Triple Test" for OBC Reservation in Local Bodies – As laid down by the Supreme Court in **K. Krishna Murthy vs Union of India (2010)** and reaffirmed in subsequent rulings –

To provide OBC reservation in local bodies, States must ensure –

1. **Empirical Data** – Identification of OBCs through **quantifiable empirical data** showing their backwardness and inadequate representation in local governance.
2. **Dedicated Commission** – Establishment of a **State Backward Classes Commission** to conduct this study and make recommendations.
3. **50% Limit** – Total reservation (SC + ST + OBC) should **not exceed 50%** of the total seats.

In Telangana's case, the **proposed 67%** reservation **violated the third condition**, leading the courts to intervene.

4. Reservation in India – General Overview

Category	All India (Open Competition)	All India (Other than Open)
Scheduled Castes (SCs)	15%	16.66%
Scheduled Tribes (STs)	7.5%	7.5%
Other Backward Classes (OBCs)	27%	25.84%
Economically Weaker Sections (EWS)** 10% (under 103rd Amendment)	—	—

5. Significance of Reservation in Local Bodies

a. Strengthening Grassroots Democracy – Ensures **inclusive participation** and equitable representation of all social groups in decision-making.

b. Empowerment of Women – One-third reservation has led to increased **female participation** and better attention to local issues like health, sanitation, and education.

c. Representation of Marginalized Communities – Ensures that issues specific to SCs, STs, and OBCs are addressed within governance frameworks.

d. Preventing Elite Capture – Avoids domination of local institutions by powerful upper-caste or economically dominant groups.

e. Upholding Constitutional Values – Reflects the ideals of **equality, justice, and fraternity**, as envisioned in the Preamble.

6. Emerging Challenges

1. **Legal Conflicts** – Frequent clashes between **State affirmative action policies** and the **50% constitutional ceiling**.
2. **Proxy Representation** – Instances where women or reserved-category representatives serve as **nominal heads**, while male relatives exercise real authority ("Sarpanch Pati" phenomenon).
3. **Lack of Data** – Absence of **up-to-date caste-based data** at the local level hinders fair OBC reservation allocation.
4. **Elite Manipulation** – Local elites continue to dominate decision-making and resource allocation, diluting reservation's purpose.
5. **Administrative Weaknesses** – Limited capacity-building programs and inadequate infrastructure for training local representatives.

7. Way Forward

1. **Genuine Empowerment** – Enforce mechanisms ensuring that reserved-category representatives, especially women, hold **real decision-making power**.
2. **Data-Driven Policy** – Conduct regular **socio-economic surveys** to determine OBC representation levels accurately.
3. **Legal and Policy Harmonization** – Formulate **national guidelines** to balance the constitutional 50% cap with social justice objectives.
4. **Strengthened Monitoring** – Create independent **oversight bodies** to prevent political misuse of reservation benefits.
5. **Inclusive Governance** – Promote community-level participation across caste, gender, and economic lines to strengthen democracy.

Conclusion

The Supreme Court's decision in the Telangana OBC reservation case reaffirms the **constitutional balance between social justice and equality**. While affirmative action remains essential for ensuring representation of marginalized groups, exceeding the 50% ceiling without empirical justification

violates the principle of equality enshrined in the Constitution. Going forward, States must pursue **data-backed, inclusive, and constitutionally compliant** reservation policies to ensure **true grassroots empowerment** without compromising **constitutional integrity**.

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